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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Consideration of reports submitted by States parties under article 35 of the Convention

Initial reports of State parties due in 2011

Italy*, **

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Treaty-specific document

Article 1–4 – General provisions of the Convention

1. The Convention on the Rights of Persons with Disabilities (CRPD) introduces a conceptual, ethical and normative vision of disability and persons with disabilities, which is reflected in the actions carried out by Italy in the last 20 years, while operating on a complex and stratified normative framework, articulated on multiple decision-making processes for many decades. If the CRPD addresses persons with disabilities while suggesting an analytical definition of this concept, the words "disabled", "handicapped", "non self-sufficient" are the most used in the Italian normative framework. For each definition, the Italian law has identified single or multiple benefits, allowances, facilitations, service access criteria and assessment modalities. Following are the main disability assessment modes allowed by the Italian Law.

2. Firstly, law 104/92 ("Framework Law for assistance, social integration and rights of the handicapped") aims — among others — at guaranteeing the respect for human dignity, as well as the rights to freedom and autonomy of persons with disabilities, while promoting their integration in families, schools, work and society; preventing and removing negative conditions that stop the human development, the highest possible level of autonomy and participation in social life, as well as the enjoyment of civil, political and patrimonial rights; achieving a functional and social rehabilitation of people with physical and sensory impairment, while ensuring adequate services and prevention, care and rehabilitation measures, as well as a legal and economic protection; preparing adequate initiatives to overcome marginalization and social exclusion (art. 1 a), b), c) and d)). Article 3, law 104/92, defines a "handicapped person" as someone «having a permanent or a progressive physical, mental or sensory impairment that determines difficulties in learning, social relations and work integration, in such a way as to determine a process of social disadvantage or marginalization». This notion stresses the limitations of faculties (impairments) and the social disadvantage (handicap), that is, on the elements that have a negative impact on the life of persons with disabilities. The law does not include any reference to the environment in which the "person with disabilities" lives and interacts, that is, the background against which "impairments" shall be considered. The idea according to which, handicap is a consequence of the impairment, is a potentially critical aspect overcome by the most recent perspectives on disability, such as the idea promoted by the World Health Organization (WHO) through the ICF (International Classification of Functioning, Disability and Health), on which the Government has been working for years in order to include the ICF, among others, in the job system, while considering environment as a key factor. A handicap is considered as severe when it determines a reduction of personal autonomy and requires permanent, global and continuous assistance, both in the individual sphere and in social life. However, the normative indication aimed at distinguishing "handicap" from "severe handicap" has not been followed by any specific evaluation instrument or national guidelines.

3. The definition of registered disability ("*invalidità civile*") can be found in a law dated 1971 (law 118/71), amended in 1988, according to which "mutilated and disabled people are those people affected by congenital or acquired disability, even of a progressive nature, including mental disability caused by organic or dysmetabolic oligophrenia, mental insufficiency caused by sensory or functional impairment having reduced permanently the ability to work by one third at least, or, if under 18 years old, persons with permanent difficulties to carry out their tasks and activities. In order to clai n socio-sanitary assistance and attendance allowance, mutilated and disabled people shall be over the age of 65, with

permanent difficulties to carry out the activities and tasks of their age". Again, the main reference is the reduction of the ability to work. The evaluation draws on specific tables, approved in 1992, based on the ICIDH (International Classification of Impairments Disabilities and Handicaps), that include for each "pathology, disease, impairment" a fixed or a variable score for a maximum ten points. However, the scientific idea establishing a link between a diseases and the reduction of the ability to work (which is referred to very generically) is very weak, and appears to be more the consequence of multiple compromises than a series of clearly explicable principles. In addition, the definition of the "ability to carry out the daily activities" is even vaguer; the evaluation of this ability does not rely on any methodological indication for the entire National territory. Other evaluation methods are applied to sensory impairment (deaf and blind persons), but with the same rationale.

4. The notion of non-autonomy has been widely discussed over the last fifteen years, especially on a regional level, in particular after the approval of law 328/00 "Framework law for the creation of an integrated system of social services and measures". The assessment of non-autonomy is used to grant economic benefits in order to cover the fees for personal assistance, access to home care, partial or total reimbursement for hospitalization in dedicated facilities according to the needs of the persons concerned. This type of assessment, often considered as a multidimensional assessment, in carried out through a system regulated by Regions with their own norms and usually applied by means of territorial teams made up of social operators and sanitary staff. "Multidimensional" shall mean that not only the psychophysical condition of persons is considered but also their activities, their family context and environment. Assessments are aimed at evaluating assistance needs (referred to as assistance load or assistance intensity) in a way that is often influenced by the amount of resources available to the grant "provider" or by the "level of functional loss". A negative terminology (non-autonomous) is also used to describe situations of persons with disabilities who need appropriate instruments for an independent life. Various research works on the notion of non-autonomy have stressed that the Italian Law does not provide a unitary definition. Even though all definitions in use refer to difficulties encountered in "daily activities", the list of "activities" is different from Region to Region. Policies for "non-autonomy" that should design and guarantee a system of "long term care" similar to other European countries are based on different evaluation instruments and resources on a regional basis. There are huge differences in other disability-related fields, because of a strong system of regional autonomy; often the need for a convergence has been stressed in order to overcome difficulties and gaps in the way citizens are treated.

5. As to the notion of "disabled person" for job placement, law 68/99 "Norms for the right to work of the disabled", aimed at encouraging targeted job placement, establishes specific services, in addition to forms of obligation, sanctions and incentives for enterprises to hire disabled persons. This law does not really introduce a real innovative notion of disability but links the idea of persons "entitled to" to a percentage of disability, that is, to a generic idea of work ability. Relatively more innovative, as to the context, is the relation between disability assessment and "residual work abilities", regulated by DPCM (Decree of the President of the Council of Ministers) 13/1/00 establishing specific criteria and assessment modalities. For each person assessed, there is list of abilities/activities to evaluate, which, although wider in vision and perspective, is still too rigid and partial as a system. In order to tackle the issue of disability assessment and work inclusion, the Italian Government has promoted for years now, a series of research and experimentation activities aimed at introducing the ICF framework based on relevant environmental factors. Even though the Italian legal framework does not state the obligation to adopt reasonable accommodation, and does not consider its violation as a form of discrimination against people with disabilities, article 2 of law 68/99 sets out measures concerning "targeted job placement" which are aimed at tackling issues about environment, instruments and human

relations on work places and therefore can be considered as a form of reasonable accommodation.

6. Article 20, law 102/09, attributes to the National Institute for Social Security (INPS *Istituto Nazionale della Previdenza Sociale*) a new role to play in assessment procedures of registered disability and handicap, while enhancing and optimizing some aspects of the assessment system. INPS assessment commissions are called to check all disability, handicap and impairment assessment forms, released by assessment commissions of local health units (ASL). In addition, they are supposed to carry out sample controls and extraordinary controls. Finally, a participated governance model has been introduced over the last years, while creating a participative mechanism of the main associations operating in the field of disability.

Article 5 – Equality and non-discrimination

7. Equal dignity for all citizens is guaranteed by article 3 of the Constitution establishing equality and non-discrimination principles while stressing that all citizens have the same legal status and therefore are equal before the Law. These principles are the pillars of ordinary laws such as law 104/92 and law 68/99. The first is a normative reference point about non-discrimination and equal opportunities of persons with disabilities, while structuring all guarantees and protection measures and preparing the conditions for a full social integration. The second law establishes the principle of equal treatment and job conditions and excludes handicap-related discrimination while introducing specific measures.

8. Legislative decree 216/03, implementing directive 2000/78/CE, has reinforced the prohibition of workplace discrimination, including career opportunities and remunerations, vocational guidance opportunities and vocational training. With specific reference to public administration, legislative decree 165/01 establishes that equal opportunities shall be guaranteed along with the absence of any form of discrimination, both direct and indirect. In addition, law 4/04 establishes the principle of non-discrimination in terms of access to IT instruments and new technologies (art. 9).

9. Law 67/06, "Measures for the legal protection of the victims of discrimination", establishes a legal protection framework in favour of persons with disabilities who are victims of direct or indirect discrimination. Direct discrimination occurs when a person with disability is treated less favourably than a person without disability would be in a similar situation; indirect discrimination occurs when a measure, a criterion, a practice, an action, a pact or an apparently neutral behaviour put a person with disability in a disadvantaged position.

10. Through ministerial decree 21/6/07 authorized associations and organizations are allowed to operate in legal defence of people with disabilities or victims of discrimination and are included in a dedicated list created by the Presidency of the Council of Ministers – Department for Equal Opportunities, support unit for the Presidency of the Council, involved in the promotion and coordination of human rights policies, equal opportunities and fair treatment, and in governmental actions aimed at preventing and removing any form and cause of discrimination. Overtime, this Department has organized a very wide range of initiatives aimed at contrasting disability-related discriminations. Since September 2010 the activity of the racial and ethnic discrimination contact center was extended to other forms of discrimination, among which disability. Reports were started to be collected and a monitoring activity on information mass media was also started. In 2009, the Charter on Equal Opportunities and Equality at Work was created; it represents a declaration that enterprises undersign to join the fight against discrimination at work (based on gender, disability, ethnic origins, faith, or sexual preferences), while committing themselves to

enhancing diversity from inside their company organization, in particular equal opportunities of men and women. In 2011 the National Anti Racial Discrimination Office (UNAR – *Ufficio Nazionale Antidiscriminazioni razziali*) of the Department for Equal Opportunities, in cooperation with the Councillor of the National Office for Equal Opportunities Councillor of the Ministry of Labour (see further, art. 6), has promoted a network of Regional Boards for the implementation of the Charter, signed by 32 new enterprises, in addition to 80 enterprises hiring more than 600,000 persons. In 2011, in the framework of the European programme "Progress", with reference to the objective "Fight against discrimination", UNAR has completed the project "Territorial networks against discrimination", aiming at preventing and removing all forms and causes of discrimination. The project was carried out with the most important organizations and National networks of associations operating in the field of discrimination (sexual preferences, ethnic origins, disability, religion and personal opinion, age).

Article 8 – Awareness

11. Law 104/92 establishes, among the objectives highlighted in article 1, letter b), the obligation to prevent and remove the impairing conditions that stop the development of the human being, the highest autonomy and participation to social life, as well as civil, political and patrimonial rights. The next reference to this principle, though an indirect one, can be found in article 5 letter a), e): it addresses the participation of persons with disabilities in scientific research and their collaboration to the choice and the implementation of socio-sanitary measures.

12. Law 328/00 encourages the enhancement of the awareness through a set of measures and social services distributed all over the territory. In the framework of a reclassification of indemnities and benefits for the assistance of persons with disabilities, article 24 of this law states that these instruments are necessary for the "enhancement of functional capabilities of persons with disabilities and their potential psychophysical activity".

13. Although law 67/06 does not explicitly refer to the awareness of persons with disabilities, it recognizes this principle as the prerequisite to detect the disability-related discriminations and therefore as a ground for a legal action.

14. Article 8 of the Convention does not apply directly because it requires the internal adoption of a series of "immediate and adequate" measures in order to create a new culture of disability and raise awareness of the civil society. The application of this article requires awareness raising actions in the civil society while mainstreaming disability in internal procedures. To reach this goal, it is not necessary to create a dedicated legislative measure, because the ratification and the implementation of the Convention are already enough. An example of *ad hoc* legislative measure can be found in the creation, through law 126/07, of the National Braille Day; this day is celebrated on February 21st, the same day as the World Day in defence of the linguistic identity created in 2002 by UNESCO. Many other associations promote awareness-raising days about specific disability-related issues, with the highest appreciation and participation of the institutions. In 2010, the Department for Equal Opportunities has created a national information and awareness raising campaign on this issue, with the slogan "Different abilities, same love for life", aimed at raising awareness in the civil society about the principle of equality of rights and promoting integration in different aspects of civil, professional and family life. This campaign, which was broadcast on different national media, was repeated at the end of 2011.

Article 9 – Accessibility

15. The accessibility of the physical environment and transportation is based on the normative framework concerning the elimination and/or the removal of physical barriers; this matter is disciplined by a plurality of norms that have mainly introduced technical prescriptions including minimum requirements and dimensional limits. Implementation norms are expressed by the DPR (Decree of the President of the Republic) 503/96 and the ministerial decree 236/89, with two regulations implementing article 27 of law 118/71 and law 13/89. The activation of an assistance service is required whenever a public building is waiting to be adapted. The normative framework concerning public and private buildings, public places or opened to the public, or places of public utility is currently in the top priorities of a proposal concerning a new systematic idea of accessibility in a universal design perspective. In this framework, the Parliament is working on a regulation that proposes: the creation of a new single normative framework in order to include, coordinate and update all technical provisions; the reconstitution of the Commission as per article 12 of the ministerial decree 236/89 with no burden to the State, with faculty of preparing, in addition amendment proposals and updates, universal design technical guidelines. The criteria to make vehicles and transportation infrastructures (tramway, trolleybus, carlines, metro lines, trains, train stations, railways; ferry services — national ferries, domestic ferries, aerostations) accessible are shown in the relevant implementation decrees such as the DPR 503/96 which — nevertheless — does not regulate the accessibility of maritime and fluvial harbours; ministerial decree 2/10/87 and legislative decree 52/05.

16. Since 2004, Italian law 4/04 recognizes and protects the right of all citizens to access all information sources and related services, in particular the right to access computer and IT services of the public administration and public utility services by persons with disabilities. The provisions included in this law apply, in addition to public administration, to other economic public organizations, to private companies that provide public services, to regional city-controlled companies, public care institutes and rehabilitation organizations, State-controlled transportation and communication companies, and information services providers. The Government regulation (DPR 75/05) establishes criteria as well as operational and organizational principles for accessibility, while the implementing ministerial decree (DM 8/7/05) defines the technical requirements and methodologies to check the accessibility of public websites. The Code of digital Administration (CAD) defines accessibility as a prerequisite for public administrations' websites and establishes that institutional websites shall be created with the highest usability and accessibility standards, for people with disabilities as well, along with completeness of information, clarity of language, reliability, quality, homogeneity and interoperability. Article 5 of law 4/04 states that these rules shall also apply to training and didactic materials.

17. The ministerial decree 30/4/08 includes the "Technical regulations concerning the accessibility of didactic and training instruments in favour of disabled students" and introduces the editorial guidelines for study books and guidelines for the accessibility and the usability of the didactic software by students with disabilities. The guidelines applying to the websites of public administrations, as per directive 8/09 of the Ministry of the Education and Innovation, are being revised at least once per year. The final version, updated in 2011, is the result of a public consultation phase carried out through a discuss forum published on the website of the Ministry of Education and Innovation (www.innovazionepa.gov.it), in the aim of involving the stakeholders concerned. The Ministry of Education and Innovation, in cooperation with the National Organization for the digitalization of Public Administration (DigitPA), plays a monitoring function of public websites, in order to assess the accessibility of online public services. Inaccessibility reports sent by citizens through the website www.accessibile.gov.it are forwarded to the

webmasters of the public websites concerned. The guidelines for the elimination of architectonic barriers in cultural sites (2008) have been drafted by the Commission for the analysis of disability-related problems, in particular in the field of cultural heritage and activities, since its creation in 2007: these guidelines consider sensorial barriers as well and provide, in the absence of specific legal reference, more design-oriented suggestions. Guidelines concerning quality standards for assistance to people with reduced mobility and staff training, attached to the ENAC Circular 8/7/2008 implementing the airspace Regulation, were elaborated in cooperation with the associations of persons with disabilities and with the operators of the aviation. The circular also draws on some characteristics of the staff that flight companies and operators shall carefully comply with and share with their staff when dealing with people with reduced mobility. RFI, the National Railway company that manages the railway network and Italian railway stations, is also managing railway services for persons with reduced mobility and persons with disabilities while coordinating a workgroup that involves the main associations of disabled customers. This group has drafted some documents concerning standards and measures to adopt; among them, there are specific guidelines concerning railway infrastructures, drafted in 2011.

18. The sanction system regulating violations of the Regulation (EC)1107/06 by vectors, airport managers and tourist operators is included in legislative decree 24/09; the National Organization for Civil Aviation (ENAC) is in charge of the assessment and application of infringement procedures. The amounts of sanctions converge to a special Fund for the promotion of information campaigns and research initiatives in favour of passengers with disabilities or people with reduced mobility. Italy, as far as urban and extra-urban transportation is concerned, is preparing the integrative framework for the Organization in charge of the application of the Regulation (EU)181/11 and its sanction system; in addition, Italy has started preliminary consultations for the creation of a negotiating with the main national organizations that represent people with reduced mobility. The Ministry of Infrastructures and Transportation — General Direction for maritime transportation and inland waterways — has activated a negotiating table with the main national organizations that represent people with reduced mobility, in order to prepare and write implementation norms of the Regulation (EU)1177/10 and appoint an Italian Organization responsible to the application. The approval process of the draft Legislative Decree is now completing; it includes the sanction system for the violation of the measures set out in Regulation (EC)1371/07, concerning the rights and obligations of passengers in the railway transportation. For building works involving public buildings or private buildings open to the public, the control is initially based on the graphical documentation of the project and on a declaration of conformity to the norm into force in the field of accessibility (art. 24 law 104/92 and art. 21 DPR 503/96); at the local level, this declaration is followed by the verification of the declared conformity and the works. In case of differences from the original project that make it impossible for people with disability to use the building, a declaration of unfitness occurs. Other sanctions are applied to the designer, the supervisor, the technical manager of conformity declarations and the tester: everyone is considered directly liable for his/her work, for the building works carried out after the entry into force of law 104/92. The sanction consists in a pecuniary fine and in the suspension from professional registers for a period between one and six months. Law 4/04 has added the non-compliance with norms in the field of accessibility of websites to the hypotheses of managerial and disciplinary liability as provided for by the Unified Code on public office, without providing for the obligation for all inaccessible websites of public administrations to turn into accessible websites. Public Administrations shall comply with accessibility principles in two ways: in the calls for tender concerning the purchase of goods or IT services, accessibility requirements must be considered as a priority indicator, all other technical conditions being equal; agreements cannot be stipulated, or if so, shall be cancelled, for the modification or the creation of websites that do not comply with accessibility principles. Websites of public administrations having passed accessibility

checks successfully can show the official logo attesting accessibility requirements. Individuals can ask to have their website or IT materials checked and obtain the accessibility logo. The authorization to show the official logo shall be forwarded to DigitPA, after completing a final accessibility report. The same service allows reading the full list of websites showing an accessibility logo.

19. In the framework of the non-discrimination principle, the normative body is further enhanced by Law 67/06.

20. In the field of regional transportation plans and plans of adjustment of urban infrastructures, there are specific projects aimed at people with disability (art. 26, law 104/92) to implement through the conclusion of framework agreements pursuant to article 27 of law 142/90. These plans provide for alternative services for the areas that are not covered by public transportation. Pursuant to article 117 Cost., it is up to Regions and Municipalities to adopt adequate measures to implement the afore mentioned national normative framework. Article 27of law 104/92 is concerned with transportation in terms of vehicles, parking places and driving licences of persons with disabilities. The National action plan attached to the Circular 10/SM dated 4/01/07 of the Ministry of Transportation establishes a double obligation for passengers and cruise ships concerning: crew members and the characteristics of the ship and the furniture. In case of existing ships, we find the obligation to train the crew members as well as appropriate actions on board in order to adjust ships — as far as this intervention is reasonable from an economic perspective — on the basis of accessibility, usability, and security for people with reduced mobility. In the framework of routine conformity assessments for ships, a periodic assessment of these obligations is also carried out.

Article 10 – Right to life

21. The Italian normative framework complies with article 10. The protection of the right to life is implicit in the Constitution (arts. 2, 27, 32) and in some normative acts that, though not openly, do protect this right. In the Italian Constitution, the right to life can be implicitly found in article 2 concerning inviolable rights, article 32 concerning the right to health and article 27, which forbids the death penalty.

22. The National legislation is focused on two particular aspects of the right to life: pregnancy interruption and assisted reproduction. According to article 4 of law 194/78, within the first 90 days of pregnancy, any woman reporting circumstances under which a pregnancy, a birth or the maternity itself would constitute a serious threat against her physical or mental health, with regard to her economic, social or family conditions, or the circumstances under which the conception occurred, or because of anomalies or malformations of the foetus, the woman can visit a family-planning clinic (law 405/75) or a socio-sanitary organization or a doctor for a voluntary interruption of pregnancy.

23. Similarly, along with law 194/78, Italy created Life Help Centres, in order to remove internal and external influences that lonely women often perceive as impossible to overcome. Genetic pathologies of the embryo/foetus that are invalidating the prosecution of life after birth can bring to the decision to interrupt the pregnancy. Judgment 27/75 of the Constitutional Court has declared the "constitutional illegitimacy of article 546 of the penal code, in the part where it does not say that the pregnancy can be interrupted in case it would trigger a further danger or a medically assessed and unavoidable threat to the life of the mother".

24. Law 40/04 states that it is forbidden to select embryos for eugenic purposes; the same applies to gametes, through interventions that, through the application of selection and manipulation techniques, or other artificial procedures, are aimed at altering the genetic

heritage of the embryo, or the gamete, while predetermining genetic features, except for interventions with diagnostic and therapeutic purposes. The Constitutional Court, with judgment 151/09 has declared the constitutional illegitimacy of article 14, paragraphs 2 and 3, of law 40/04. The Judges of the Constitutional Court declared the constitutional illegitimacy of article 14 paragraph 2 for the words "single and simultaneous implantation of a maximum of 3" embryos. The Court has defined as unconstitutional the third paragraph of the same article as well "for it does not establish that the transfer of embryos, which has to occur as soon as possible, shall be carried out without any risk for the health of women". The Constitutional Court also declared unacceptable the appeal for the legitimacy of the third paragraph of article 6, same law, establishing that the willingness of a couple to recur to artificial fecundation techniques "can be revoked by each of the parties until the fecundation of the ovule", while establishing a further prohibition. The Court has declared as unacceptable, for defect of relevance in the main judgments, the constitutional legitimacy issues of article 14, paragraphs 1 and 4.

25. Law 104/92 contains some norms concerning the measures for the prevention and the pre-birth diagnosis of disability. It shall be pointed out that, pursuant to article 117 Const., the normative activity in the field of health is a concurring legislation. The protection of the right to health of persons with disabilities opens to ethical considerations, such as the respect of the right of women to decide to interrupt pregnancy or the right to life for the newborn, and focus on definitions and temporal limits, initial and final boundaries of human life.

Article 11 – Risk circumstances and humanitarian emergencies

26. As far as the protection of persons with disabilities in armed conflicts is concerned, it shall be noted that Italy has ratified all main agreements in the field of humanitarian International rights; for this reason, the Italian framework complies with the International one.

27. As far as emergencies are concerned, and in compliance with principles stated by law 225/92, this matter in Italy is regulated by Regions, even though only a very few regulations consider people with disability.

28. Nevertheless, a document issued by the Ministry of Internal Affairs, elaborated by the Department of Fire Brigade, Public Safety and Civil Defence, entitled "Aid to disabled persons: indications for emergencies management", stresses the importance to guarantee adequate support to persons with disabilities. This text describes how to cope with different types of disabilities when preparing the instruments to tackle emergencies. In particular, the text mentions some measures for the management of emergencies involving persons with disabilities, be they temporary, of sensorial, physical or cognitive nature. Even the guidelines for emergency management adopted by the Italian Civil Protection (the so-called "Augustus method", regulated by law 255/92), stresses that "particular attention shall be paid to people with reduced mobility: elderly people, disabled, children".

29. As far as "other" risk situations are concerned, the most addressed by the Italian Law are fires. In particular, ministerial decree 10/03/98 and circular 4/02 describe the forms of assistance to persons with disabilities in case of fire and stress the obligation for the employer, to consider the special needs of disabled workers in the early design of fire prevention measures and in evacuation procedures. The aforementioned circular, in particular, paves the way to the "Guidelines for the evaluation of fire prevention measures in workplaces with disabled workers", that are based on some important principles: a) involving people with disabilities in the process of risk assessment and the choice of measures to adopt; b) reaching adequate security standards for all, without discrimination; c) elaborating security plans for disabled workers on a holistic basis, that is, avoiding

special or separated plans. These Guidelines also provide indications to proceed to a careful risk assessment while specifying the building measures to adopt. It should be pointed out that ministerial decree 26/6/92, "Norms for the prevention of fires for school building" establishes that each school must have an emergency plan; explicit reference to disability can be found in the "School emergency plan" adopted pursuant to ministerial decree 10/03/98, in relation to emergency and evacuation procedures. Let us also mention the so-called "Verona Chart" concerning the rescue of people with disability in case of disasters, drafted after the "Consensus Conference" (November 2007), during which the fundamental principles were stressed for the protection of people with disability during emergencies.

30. Finally, in July 2010 was drafted the final version of the Guidelines for the introduction of the issue of disability in the policies and activities of the Italian Cooperation (see article 32).

Article 12 – Equal treatment before the law

31. The Italian Constitutional and normative framework intends to avoid any type of disability-related discrimination before the Law. All citizens deserve equal treatment before the Law. At the same time, legal notions such as disqualification and incapacity presuppose an individual condition of being totally or partially of sound mind. In the first case, the Tribunal shall nominate a legal representative that is, a tutor. In the second case, after a declaration of the Tribunal, the incapacitated person is entitled to carry out all ordinary activities on his/her own, but shall be accompanied by a guardian for extraordinary activities.

32. Following specific civil case law and a new legal approach, in 2004 the profession of the court appointed guardian was regulated (law 6/04); this professional figure is meant to accompany the person whose ability to act is limited or fully compromised. The final goal is to protect, while limiting their ability to act as less as possible, those people who lost partial or total autonomy in daily life activities, through temporary or permanent support actions. A court appointed guardian is a voluntary who takes on the assets and the quality of life of the person concerned and cannot be anyone in a conflict of interests, such as a health care professional hired for the same person. The faculties of this professional figure are defined in the act of appointment of the Judge of the Guardianship, who indicates the specific acts that the guardian is entitled to carry out on behalf of the beneficiary and the acts that he/she can carry out under the form of assistance. The Judge is called to protect the person and his/her needs and to respect his/her requests within the limits of the protection of the person. Following this measure, the beneficiary keeps own sphere of ability for the activities aimed at satisfying daily needs and the activities that he/she can carry out autonomously. More importantly, this professional figure is characterized by temporal flexibility and reversibility of the assignment.

Article 13 – Access to justice

33. Article 24 of the Constitution stresses the right for everybody "to take a legal action in defence of his/her own legitimate interests". A detailed analysis of the Constitution makes it clear that the use of the word "everybody" determines the ownership of this right for all the people under the Italian legal jurisdiction. Therefore, it seems clear that also persons with disabilities enjoy this right the same way as all other citizens. As far as the access to justice is concerned, we shall recall various normative acts in relation to specific fields.

34. With reference to the faculty of acting before the Law to protect the right of non-discrimination on work places, legislative decree 216/03, implementing directive 2000/78/CE on equal treatment at work and equal work conditions, has included persons with disabilities among the protected categories: article 4 establishes that in article 15 of law 300/70, the word "handicap" shall be added after the word "sex". The victims of discriminations pursuant to article 2 of legislative decree 216/03 can act before the Law and also make use of the conciliation procedures of collective agreements. As an alternative, he/she can promote an attempt at conciliation pursuant to article 410 of the Civil Code or, in case of a contract with public administrations, also through local trade union representatives, pursuant to legislative decree 165/01. In order to demonstrate the existence of a discriminatory behaviour, the applicant can bring factual evidence, serious, precise and consistent evidence that the Judge might evaluate within the scope of application of article 2729, paragraph 1, of the Civil Code (concerning the simple presumptions left to the discretion of the Judge). Through the decision that accepts the appeal, the Judge might opt for a monetary compensation of the damage orders the cessation of the behaviour, the conduct or the discriminatory act, if still undergoing, and might adopt any other measure to remove the effects of the discrimination.

35. Law 67/06 stresses in general terms the ownership of legal actions taken by persons with disabilities (art. 3 "legal protection"). Based on article 4, the legitimacy of a legal action — pursuant to article 3 — as an effect of the delegation released with an official or a private certified agreement — carried out on behalf of the discriminated person, shall be acknowledged also to the associations and the organizations identified by the decree of the Department for Equal Opportunities, in cooperation with the Ministry of Labour and Social Policies, on the basis of the statutory objectives and the stability of the organization. These organizations and associations have been identified by ministerial decree of 21/6/07, whose article 2 lists the requisites for the acknowledgment of the legitimate right to act. The decree for Rights and Equal Opportunities of 31/10/08 has created an evaluation commission for a preliminary assessment of the requests of the legitimate right to act for the legal protection of people with disabilities, victims of discriminations, presented by associations and other organizations.

36. The Constitutional Court (judgment 341/99) has considered that article 119 of the Code of Penal Procedure is constitutionally illegal, where it states that the "deaf, dumb or deaf and dumb accused, irrespectively of the ability to write or read, has the right to be assisted for free by an interpreter, chosen among the people who are used to deal with him/her, in order to be able to understand the accusation and follow the proceedings he/she is called to take part in".

37. In the integration of these norms, in order to adjust them to the *dictum* of the Court and to the obligations of procedural arrangements as per article 13 of the Convention, one shall include among the people entitled to assistance all the persons with disabilities and not only "deaf, dumb or deaf and dumb people". In particular, the Code of Penal Procedure lacks a general norm stressing the right of people with disabilities to be assisted each time they need to, that is, the acknowledgment of this right in articles 141–143 (Code of Penal Procedure) concerning the declarations of the parties and the nomination of an interpreter. In civil proceedings, article 124 already provides specific norms for the examination of "deaf and dumb persons", which shall be extended to other types of disabilities.

Article 14 – Freedom and security

38. Personal freedom in the internal justice system is recognized as an inviolable right and is protected by the Constitution. The right to freedom and personal security, protected by article 14, paragraph 1, letter a) of the Convention, is ratified in the Italian legal

framework by article 13 of the Constitution and is reflected in the norms of the Penal Code and in the Code of Penal Procedure that include forms of protection against freedom deprivation. Article 14, paragraph 1, letter b) of the Convention is reflected not only in the aforementioned article 13 of the Constitution but also in article 32 of the Constitution, that establishes legal reserve for the health treatments. The hospitalization of persons with disabilities in health care institutes shall be carried out in compliance with procedural guarantees set by law. In the Italian normative framework the general principle of legal reserve is very wide and therefore it can apply to a very wide range of circumstances and hypotheses of deprivation of personal freedom.

39. As far as article 14, paragraph 2 is concerned, with reference to the detention of people with disability and the guarantee of adequate penitentiaries, it shall be pointed out that Italy lacks a specific legislation concerning disability in prison. Law 354/75 includes some normative reference that indirectly protects also persons with disabilities in penitentiaries. In particular, article 47 *ter*, paragraph 3, concerning home detention, establishes that any detention of less than four years, part of a longer detention period or not, as well as arrest, can be carried out at home, in another private place or in public health facility, if the person suffers from particularly severe health conditions, which requires constant contacts with local health units. Alternative detention measures are determined for people affected by full-blown AIDS or severe immunodeficiency (art. 47 *quater*). In addition, article 11 of law 354/75 establishes that every penitentiary shall have a medical service and a pharmaceutical service able to respond to the preventive needs and health care necessities of the convicted.

40. Article 1 of law 180/78 establishes that health assessments and health treatments shall be voluntary, unless otherwise established by law 833/78 (arts. 34–35). In order to guarantee the legitimacy of obligatory treatments, the law establishes that they shall respect the dignity of people and the civil and political rights guaranteed by the Constitution and that they shall be carried out by local health units; in case of confinement, this shall be carried out in public or State-controlled hospitals. In addition, the patient shall be involved in the decision making process and shall be put in the condition to express his/her consent to the treatment. In particular, the obligatory health treatment for people with mental illness cannot last more than seven days. If this is necessary, a motivated communication shall be sent to the Mayor and to the Judge of the Guardianship by the director of the mental hospital involved.

41. Law 104/92 requires to the Ministries involved (Justice, Internal Affairs and Defence), each and everyone for its own competences, to regulate the modalities of protection of persons with disabilities, in relation to his/her therapy and communication needs, in secure facilities, during penal proceedings, in pre-emptive custody facilities and prisons. Special measures for the convicted with disabilities or mental illness can be found in the DPR 230/00: in particular, article 20 establishes the implementation — in favour of the convicted with partial or total mental illness — of measures that improve their participation in all activities, especially those that allow, to the highest extent possible, to keep, improve or restore their relations with their original family and social environment. In order to achieve social reinsertion, the convicted with partial or total mental disorders who, according to the opinion of sanitary staff, are able to carry out a productive work or a useful service, are allowed to work and enjoy all related rights. Those who are still not able to do a productive work or a useful service can be assigned to ergotherapy and are assigned a grant.

42. DPCM 01/04/08 has centralized the decisions concerning the protection of the health of the convicted. Annex C of the same decree contains the guidelines drafted by the Ministry of Health and Justice for the interventions in psychiatric hospitals (OPG) and health care institutes; these guidelines provide specific indications about therapies and rehabilitation measures, as well as guidelines for the actions taken by the National Sanitary

Service to protect the health of the convicted and internees as well as minors in penal proceedings. The same document also defines the overtaking of psychiatric hospitals; the completion of this process was due before 1/2/13 under article 3 *ter* of Law 9/12: since 31/3/13 security measures for hospitalization in psychiatric hospitals and assignment to residential care shall be operated exclusively within registered health facilities; those who have stopped to be socially dangerous shall be discharged and taken in charge by the local mental health unit.

43. In general, as far as disabled people in jail are concerned, it shall be pointed out that, even in presence of regional norms, there isn't a specific normative framework, and a legislative initiative about law 354/75 would be welcome in order to guarantee a better protection of convicted affected by different types of disability, through reasonable accommodation in compliance with article 14 of the Convention.

Article 15 – Freedom from torture and cruel, inhuman or degrading treatments

44. Italy has ratified a number of International agreements concerning torture: the European Convention on Human Rights in 1995, the International Covenant on Civil and Political Rights in 1977 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988.

45. Other normative acts protect persons with disabilities from torture and inhuman or degrading acts. In particular, law 180/78, merged into law 833/78, established the dismissal of psychiatric hospitals where people with disability were interned against their own will and exposed to actions that were equivalent to inhuman and degrading treatments. Article 1 of law 180/78 establishes that health assessments and health treatments shall be voluntary, unless they are among the obligatory treatments listed in law 833/78 (arts. 34–35). In order to guarantee the legitimacy of obligatory treatments, the law states that they shall respect the dignity of persons as well as political and civil rights guaranteed by the Constitution and that they shall be carried out in public facilities or — if confinement is needed — in State-controlled health care facilities. In addition, the patient shall be involved in the decision making process and shall be given the opportunity to express his/her own consent about the treatment.

46. The Italian Law is complying with the Convention, in relation to the principle of informed consent by persons with disabilities, to the clinical experimentations, based on legislative decree 211/03, "Implementation of the Directive 2001/20/CE concerning the application of good clinical practice in the execution of clinical experimentation of medicines for clinical purposes". Pursuant to article 3, paragraph 1, letter b) of the decree, the clinical experimentation can be started as far as the "person involved or his/her legal representative, if the person is not able to provide an informed consent, has the possibility, in a preliminary meeting with one of the experimenters, to understand the objectives, the risks and the inconveniences of the experimentation, the circumstances under which it will be carried out and has been informed about his/her rights to draw off the experimentation at any moment". Specific measures under the same decree concern adult people who are not of sound mind, as well as the details of the conditions to conduct a clinical experimentation on these people. In particular, it shall be pointed out that the informed consent obtained from the legal representative shall represent the intended will of the person and can be drawn off at any moment without risk for the person concerned. In addition, the person must have received adequate information in such a way to understand the experimentation, its risks and benefits; the experimentation protocol must be approved by a dedicated ethical committee, that is, qualified experts of the illness and the characteristics of the patient

population or after consultancy on clinical, ethical and psychosocial matters concerning the illness and the population of patients concerned.

Article 16 – Freedom from exploitation, violence and abuse

47. Italy has ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1979 and the Convention on the Rights of Children in 1989, establishing the right of not being victim to violence, abuse and mistreatment. This right is also stressed in favour of persons with disabilities in soft law acts of the United Nations, such as the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care in 1991 (principles 1, para. 3, 8, para. 2, 9, 11, 15–18, 22) and Standard Rules on the Equalization of Opportunities for Persons with Disabilities in 1993 (rule 9, para. 4).

48. Law 67/06, article 4, paragraph 2, establishes that discriminations are harassments, that is, unwanted behaviours perpetrated for disability-related reasons, that violate the dignity and the freedom of a person with disability, and create intimidation, threat and hostility for persons with disabilities. In this notion, recalled by article 2 of law 67/06, are involved mistreatments as well, but are excluded violence and exploitation, which do not fall under the scope of application of this law.

49. Law 38/09 has introduced the crime of stalking, intended as a repeated behaviour, threat or harassment aimed at producing a perpetual severe state of anxiety or fear in order to generate a well-grounded fear for own safety or the safety of the family members and to force him/her to change his/her habits. The conviction can be increased by half if the fact is perpetrated against a person with disability and an authoritative intervention occurs if the action is perpetrated against a minor or a person with disability.

50. Finally, it should be pointed out that law 269/98 aims at protecting minors from sexual exploitation, pornography and sexual tourism.

51. Since 2009, the "Week against Violence" hosts the initiatives of all schools, called to promote awareness-raising actions, as well as information and training activities for the prevention against physical and psychological violence, including racial, religious and gender-related intolerance, and any other form of discrimination, while involving the representatives of law enforcement, associations and volunteership. Finally, the Department for Equal Opportunities, in cooperation with ISTAT, is conducting a survey that includes a special section on violence against women with disability.

Article 17 – Protection of the integrity of people

52. The right to physical and mental integrity can be drawn from constitutional principles. In addition, it can be found in articles 1, 5 and 8 of law 104/92 and law 328/00, whose article 1 – General principles and objectives, and 2 – Right to services, aim at protecting the integrity of persons, through the provision of necessary social services. The right to the integrity of persons is linked to the right to life (see art. 10) and the right to health (see art. 25), of which, it can be considered as a corollary, though a very important one. The content of this right shall therefore be found and evaluated in the exercise of the rights to health, and life, while taking a sort of absolute and inalienable value. The new element introduced by article 17 of the Convention is the link between two dimensions of the integrity of people, the mental and physical dimension, in order to extend the protection of this right to all types of disability.

Article 18 – Freedom of movement and nationality

53. Article 16 of the Constitution acknowledges the freedom of all citizens to circulate and settle in any part of the National territory. Similarly to human rights protection, article 16 of the Constitutions establishes that the limitations to this freedom can be set only by Law, in a general way and for public health or security reasons. In addition to freedom of circulation, article 16 of the Constitution protects the freedom to reside in a given place as well as to spend a period of time in a freely chosen place.

54. Law 104/92 involves, among the people entitled to these services, strangers and stateless residing or having stable residence in Italy (art. 3, para. 4). In addition, the services of the integrated system of social services and interventions under law 328/00, within the modes and limits defined by regional laws, is reserved also to European citizens and their families, and to foreign people (art. 2).

55. Italy has implemented with the legislative decree 30/07 the Directive 2004/38/CE of the European Parliament and the European Council for the right of the European citizens and their families to circulate and settle freely in the territory of Member States. This directive shall be applied without discrimination founded, *inter alia*, on handicap, redefines the European discipline on the right of the citizens of the European Union to circulate and reside freely in the territory of the Member States and extends this right to their families as well.

56. Article 31 of the Unified Text on immigration states that, in derogation of other measures set out by law 40/98, the Court for Minors, for serious reasons concerning the psychophysical development, the age and the health conditions of a minor on the Italian territory, might authorize the access or the permanence of his/her family for a given period of time.

Article 19 – Independent life and inclusion in the society

57. As far as independent life and social inclusion are concerned, the Italian Law is quite advanced and covers a relevant part of the obligations set out in article 19 of the Convention. Law 104/92 establishes — among its priorities — the guarantee of the full respect for human dignity, freedom and autonomy, while removing all invalidating conditions that stop the full development of the human being and the highest level of autonomy, while carrying out actions to overcome marginalization and social exclusion. In particular, article 10 sets out the instruments for the inclusion and the integration of people with disability in the development of home care services, from a sanitary, domestic and economic perspective, in the organization and the support to assisted living facilities, residential homes and health care facilities included in residential centres in the aim of encouraging the deinstitutionalization, through specific actions aimed at adjusting the equipment and the staff of educational, sport, leisure and social services to the needs of persons with disability. Article 9 of the same Law draws specifically on the "personal assistance service" addressed to the citizens who are experiencing a circumstance of severe limitation of personal autonomy, in order to facilitate autonomy and integration opportunities.

58. Law 162/98 integrates Law 104/92 and attributes to local institutions the realization of assistance programmes, through customized actions in order to guarantee the right to an independent life to persons with disabilities and forms of personal assistance and home assistance also on a 24hour-basis to people with severe disability.

59. Law 328/00 has implemented and confirmed, through article 20, the National Fund of Social Policies created for the first time with law 449/97, in order to work for the

promotion of actions for the realization of essential and homogeneous standards for social services all over the territory, while — among others — addressing integration and autonomy of persons with disabilities. The aforementioned law dedicates article 14 to "individual projects for disabled people", that define the needs and the services needed for a full social integration of persons with disabilities and their rights, while referring to care and rehabilitation, as well as to personal care and economic measures aimed at fighting against poverty, marginalization and social exclusion. Among the essential levels of the services provided, article 22 indicates the economic measures to encourage autonomy and the presence at home of totally dependent people or people unable to carry out daily tasks; the creation of social-rehabilitation centres for these persons and assisted living facilities, of community services and aid services for people who do not have adequate support from families, as well as temporary replacement of families during their absence; actions aimed at the elderly and the disabled to encourage their presence at home, their inclusion in family-like community organizations, residential and semi-residential centres for those who cannot be assisted at home, and in case family resources are not enough to respond to the integration needs of people with disability.

60. The DPCM 14/2/01, "Guidelines and coordination of socio-sanitary services" article 2, establishes that socio-sanitary assistance is reserved to those people who have "health needs" and require health care or social services, on the basis of personalized projects drafted on multidimensional evaluations. This evaluation shall consider the following: psychophysical functions; the nature of the activity of the person and his/her limits; the modes of participation to social life; environmental and family context factors. Regions are assigned the task of regulating criteria and modes to define personalized assistance projects.

61. In 2001, following the amendment of the Italian Constitution through the Reform of Title V, concerning the functions and the competences of Regions, Provinces and municipalities, the system of competences of different governmental levels has been redefined. Article 117 indicates, among the competences assigned to the State, the determination of the essential levels of services concerning civil and social rights to be guaranteed on the whole Italian territory. This article has attributed a constitutional relevance to the essential levels defined in law 328/00 already (art. 22). It is up to the Regions to set out plans and objectives concerning disability policies and municipalities are called to decide about social and auxiliary services. Although essential levels are still not defined on a National level, some Regions have already introduced them — though with different methods and objectives. As to the access to services, be they delivered at home, in residential services, in Italy the access for persons with disabilities is not considered as a due right but is rather an opportunity subject to the availability of public funds.

62. Eurostat data referred to 2009 show that the overall amount of welfare expenditure is around the Euro average (28.9% for 17 countries), with a value of 28.4%. The internal composition of this expenditure may vary; as far as old age is concerned (this value basically refers to retirements) the value is four GDP points higher than the other countries (17.1% in Italy against an average of 13.1%) while for other areas, such as the total expenditure on persons with disabilities, the average is lower. This is of 1.7% of the GDP in Italy, against an average of 2.3 in the rest of Europe.

63. Public policies in favour of persons with disabilities in Italy are underfinanced, with particular reference to the service provided, which are sometimes very poor, while monetary assistance is guaranteed to everybody (see further). Despite this structural problem, the Social Policies National Fund, that is, the main instrument for the State to finance local social services, has undergone progressive reduction, until a substantial zeroing. It went from 929 million in 2008 to 435 million Euros in 2010 to 44 million Euros in 2013. This decrease shall be explained through constitutional reforms occurred in the last

years, which have introduced some important measures in the field of fiscal federalism, and that will not allow the existence of dedicated National funds in the next years.

64. It shall be pointed out that since 2007 Italy can rely on a National Fund for non-Autonomy created at the Ministry of Labour and Social Policies. Until 2011, this fund was financed for a total of 1,300 million Euros. Its aim was to run services, integrated actions and assistance services in favour of non-autonomous people, on the basis of the priorities agreed between the State and Regions, to which funds had been assigned in accordance with distribution criteria. Within this general framework of the total expenditure for services and social initiatives (in Italy it represents 0.46% of the National GDP) the share paid by Municipalities is about 7 billion Euros, of which 21.6% invested on disability and 20.4% on the elderly, mostly to support non-autonomy conditions (ISTAT, 2009). Various regions have created funding mechanisms for initiatives aimed at encouraging independent life and social inclusion for persons with disabilities. Nevertheless, regional norms for their implementation are often influenced by financial availability and may present discrimination aspects when they are aimed at physical or sensorial disability, while excluding psychic or intellectual disability.

65. At a national level, the measure of direct responsibility of the State is represented by the benefits set out by law 18/80. These benefits are not subject to a certain income limit and are assigned to persons with 100% inability, who need assistance to move and/or carry out daily tasks. Considering the amount of funds available, this is the main measure aimed at persons with disabilities in Italy (non-autonomous elderly people and people with disability).

66. Overtime, the normative framework has undergone a number of integrations, in particular law 289/90 establishing the so-called child disability allowance: a monetary benefit for disabled minors, to whom the local health unit has acknowledged persistent difficulties in carrying out tasks and functions of their age, and who attend education, training or rehabilitation institutes.

67. Until 31/12/11, registered disability services provided by INPS account for 2,733,970 Euro (69% of which are allowances). The expenditure for carers' allowance was of 12.9 billion Euros (*Source*: INPS 2011 report).

68. In relation to the deinstitutionalization, the normative framework lacks explicit reference to the right of persons with disabilities to choose a place to settle, where to live and the persons to live with. It shall be pointed out, however, that law 180/78, establishing the closing of mental hospitals and the creation of a network of alternative services on a regional basis, has confirmed the passage from an approach that considered the disabled person as something the society should protect from, to an approach in which these persons have the right to be cared and integrated in the society through a territorial service network for prevention, care and rehabilitation. Nevertheless, the study "Deinstitutionalization and Community Living: Outcomes and Costs. A European Study, 2008" shows that in Italy, the main pillar for policies aimed at the residential care of disabled adults, namely with severe intellectual disability, is the institutionalization of facilities with more than 30 places, which account for 86% of the whole offer, half of which (46%) are Assisted Health Protection Facilities (*RSA*), with almost no programme aimed at overcoming isolation and segregation. Alternative solutions (residential homes, small residential communities), represent 3.7% of the total residential facilities for adults with disability and because of the lower tuition fees that do not cover intensive support, they are more accessible to people with moderate or small disability (ISTAT, 2007).

Article 20 – Personal mobility

69. The right established by article 20 draws on article 16 of the Italian Constitution, which guarantees to all citizens the freedom of circulation and settlement. Law 104/92, article 7, establishes that the National Health Service shall ensure the supply and the repair of stuff, prostheses and assistive instruments needed for the treatment of handicaps. These actions allow ensuring to persons with disabilities the use of instruments and tools that, while treating handicaps, also encourage personal mobility. Articles from 26 to 28 of law 104/92 are focused on mobility as well as on collective and individual transportation. Pursuant to these articles, Regions are called to regulate the modalities according to which Municipalities prepare their actions to allow persons with disabilities to move freely on the territory while using public transportation or dedicated/alternative services the same way as the other citizens do.

70. Law 244/07 has created, by the Ministry of Transportation, the new "Fund for the Mobility of the Disabled" aimed at funding "specific actions to create a 'railway park' for the transportation both in Italy and abroad of the disabled assisted by voluntary associations operating on the Italian territory".

71. As far as private transportation is concerned, persons with disabilities and reduced mobility and blind people can obtain a "disabled pass" which, based on article 381 of the DPR 495/92, allows the vehicles used for persons with disabilities to circulate in limited traffic areas and to park in dedicated areas. Law 35/12 and the DPR 25/5/12 have amended the implementing regulation of the Highway Code, while providing for the adoption of a single labelling model for persons with disabilities, consistent with the European model which guarantees the privacy of the people concerned. Pursuant to article 116, paragraph 5, of the Highway Code, persons with disabilities can obtain a special driving licence for vehicles adapted to their special needs, after confirmation of the ability to drive. Article 27 of law 104/92 sets out the opportunity to get a 20% contribution for the investment made on the modification of driving equipment. There is also a huge number of fiscal benefits for the purchase of vehicles for persons with disabilities and their family. Other regional aids are also granted for the purchase of vehicles for persons with disabilities.

72. Legislative decree 24/09 regulates the sanctions to apply in case of violation of the Regulation (EC)1107/06, entered into force in July 2008, establishing that flight vectors and airports shall adjust to the European standards in terms of accessibility of flights for passengers with disabilities or reduced mobility.

73. With reference to the possibility for persons with disabilities to use equipment, tools and technologies for mobility at accessible costs, the DPR 917/86 establishes the possibility to deduct 19% of the expenses for the purchase of vehicles for movement, locomotion and lifting, as well as for technical and IT tools aimed at encouraging autonomy and integration of persons with disabilities. Similarly, law 342/00 establishes the possibility of tax deduction for the expenses concerning the adaptation of vehicles to the needs of people with little or no residual motor abilities (art. 50, "benefits for disabled persons").

74. As far as trained animals are concerned, law 37/74 recognizes the right of blind people to be accompanied by their guide dog without having to pay any ticket for the dog; this is valid for both public transports and public facilities.

75. For the accessibility of public and private buildings and premises, see article 9.

Article 21 – Freedom of expression and opinion and access to information

76. The freedom to express thoughts, through oral words, written texts or any other instrument, is recognized by article 21 of the Constitution. The same constitutional principle also guarantees the right to information, which includes both the right to inform (that is, to share information) and the right to be informed (the right to a full access to documents is part of this). The scope of application of article 21 shall be interpreted against article 3 of the Constitution, which prevents the Italian legislator to take any discriminatory measure because of "personal conditions" (para. 1) and obliges the Italian Republic to remove the obstacles that prevent a full human development (para. 2).

77. In the field of accessibility of information aimed to the public, law 104/92 indicates among the measures aimed at the integration and social inclusion of persons with disabilities, the adoption of measures that make the right to information and education efficient, namely with reference to didactic and technical stuff, programmes and specialized languages (art. 8, letter d). In addition, article 25 also includes principles concerning the access to information and communication. This norm provides for the creation of tools to guarantee adequate access to radio, TV and phone systems, such as decoders and complementary stuff, as well as adapted phone booths.

78. Specific measures concerning the accessibility of information are included in law 4/04. Article 1 of this law recognizes and guarantees the right of persons with disabilities to access IT and services of public administrations and public utility services.

79. A number of measures in favour of persons with disabilities are to be found in legislative decree 259/03 implementing the European package of directives concerning electronic communications. The Code acknowledges the right of all citizens to require and obtain the use of IT technologies for communicating with public administrations and the managers of State-controlled public services (art. 3). To implement the Code, the Agency for Communications (AGCO) adopted in 2007 a special measure concerning easier economic conditions, reserved to persons with disabilities, for the access to phone services and Internet (resolution 3/10/07, 514/07/CONS).

80. Law 244/07 (art. 1, para. 203) has extended to deaf people the exemption of the payment of the licence tax on mobile phones. In the past, it was reserved to people with disabilities of both arms and to blind people. In June 2000, the Authority for Communications had reserved to elderly people, disabled people and users "with special needs" a reduction of 50% on the monthly subscription. No tax benefit without fixed subscription. This type of benefit is reserved to the families with a registered disabled person, a social pension receiver, a person aged more than 75 or an unemployed household head. The family shall demonstrate economic difficulties, determined on the basis of the Equivalent Economic Situation Indicator. Deaf people are exempted from the whole monthly subscription on landlines. No benefit or exemption for mobile phone lines. Deaf people are those with a deaf-and-dumb certification (law 381/70) and entitled to a communication allowance.

81. In 2008 AGCOM has extended the facilitations for Internet — reserved to blind people and introduced in 2007 — to the users with a flat or an all-inclusive contract; this contract is not based on an hourly basis (50% discount on the subscription or the part of the subscription that concerns Internet, resolution 23/4/08, 202/CONS). This type of facilitations is reserved to totally blind people with carers' allowance and not to partially blind people or severe low-sighted people. Moreover, this is also reserved, as for the deaf, to people who live with a disabled person.

82. At a regional level, the Code of electronic communications establishes that Regions and local administrations, within the scope of application of their competences and in compliance with article 117, para. 1, Cost., provide regulations concerning the initiatives aimed to support — *inter alia* — persons with disabilities (art. 5, para. 2, letter d)).

83. With reference to the use of alternative communication forms in official activities, article 20 law 104/92 states that persons with disabilities can use assistive tools in public competitions and qualification exams, and can have more time available in relation to their specific disability. The disabled person shall indicate the assistive technology he/she will use, as well as the need for extended time.

84. Article 16 of Law 68/99 establishes the right for disabled people to participate in public competitions of all public administrations as well as the right to special participation modalities.

85. As to electoral processes, the Italian law ensures the architectonic accessibility of facilities and voting booths. Nevertheless, other forms of alternative communication (Braille, tactile communication) are not acknowledged as tools to facilitate the freedom of expression of people with disability.

86. References to the acknowledgment and the promotion of sign language are included in law 104/92 concerning the professional training of support teachers; a normative proposal for the promotion of a full participation of deaf people in social life is currently to the attention of the Parliament along with the issue of formal recognition of the Italian sign language.

87. As to private organizations and mass media, ministerial decree 239/07 establishes facilitations for the reproduction for personal use and the use of works and protected material by persons with sensory impairment.

88. As to the editorial field, decree 18/12/07 of the Ministry of Heritage and Culture establishes funds for publishing houses that invest on the transformation of existing products in accessible formats in favour of visually impaired people, the creation and reproduction of new editorial products, as well as the classification, conservation and distribution of newly created or transformed products.

89. As to the Radio/TV field, the "Unified Text of Radio/TV broadcast" of 2005 establishes the reception of radio/TV programmes by people with sensorial disability among its general principles (art. 4, co. 2). Specific obligations for the radio/TV service are also provided, along with protection measures for persons with disabilities (art. 45, para. 2, letter q)).

90. The 2010–12 Contract between the Ministry of the Economic Development and RAI (Italian Radio/TV broadcaster) establishes a series of commitments, among which subtitling and sign language translation for at least one TV news report per day, adequate access to the multimedia and television offer of analogical, digital and satellite broadcasting to people with sensorial or cognitive disability, even through the use of specific audiodescribed programmes or "telesoftware" programmes for blind people.

Article 22 – Respect for private life

91. The Italian normative body contains various measures, some of which of constitutional nature, concerning the right to the respect for private life. There are forms of protection of the honour and reputation, which are not covered by specific legislation, but rather deriving from case law. In particular, the damage to social life consists in the impossibility or difficulty, because of mental of physical problems, to reintegrate in social relations. The person has the right to see the new physical or mental conditions

compensated. As to the respect for private life, various obligations derive from the treaties on human rights that Italy has contributed to draft and that oblige countries to protect this right.

92. As to the treatment of personal data, legislative decree 196/03 collects, under the form of a unified text, all norms in the field of protection of personal data by public and private organizations and implements the relevant European Directive. The Code defines the notion of personal data, that is, any information concerning individuals or legal personalities, organizations or associations, identified or identifiable, directly or indirectly, including a number of personal identification; and sensitive data, that is, personal information that concerns, among others, information about health. To this purpose, the norm establishes that personal information shall be kept separately from other information collected for purposes that do not require their use or circulation.

93. Law 300/70 establishes forms of protection for the privacy of workers as far as their health conditions are concerned. This law forbids employers from carrying out investigations about the suitability or infirmity (for illness or accident) of workers and establishes that these investigations shall be carried out through dedicated services only, upon request of the employer. Personal visits and the modalities shall be agreed by the employer with company unions or an internal commission. In the absence of a specific agreement, upon request of the employer, the Work Inspectorate does. A last aspect of the norm concerns the right to privacy and the active and passive right to information.

94. Legislative decree 196/03 regulates the treatment of personal data for purposes of journalism and other expressions of thought and provides for the adoption of a deontological code. This field had already established deontological norms aimed at protecting the right to privacy of some disadvantaged categories, such as persons with disabilities and minors. Generally speaking, they are "negative protection" norms, aimed at protecting the identity and the image of persons with disability involved in news items.

Article 23 – Respect for domicile and family

95. The family is supported and protected by articles 29 to 31 of the Italian Constitution, where it is stated that Italy recognizes that the family is a natural society founded on marriage, and that it is a duty of parents to maintain, teach and educate their children; the State encourages families and their activities with economic measures and other facilitations. Even in case of severe disability, the right to live with the family shall be ensured, and only in case of no support from families, Law establishes that local administrations can create "with their own resources" socio-rehabilitation centres and residential facilities. Regions shall plan support actions for people and families and integration measures for the actions taken by local administrations to support people with particularly severe disability, through specific forms of home assistance and personal aid, even on a 24-hour basis.

96. With reference to law 328/00, article 16, concerning the integrated system of social services, acknowledges and supports the role of families in the education and care system, the promotion of well-being and social cohesion; article 22 refers to "support actions for disadvantaged minors in negative situations, through specific support to families and accommodation in families and residential facilities for the promotion of the rights of childhood and adolescence".

97. A very outstanding role is played by the facilitations (permissions and leaves) of the Italian legislation. Various norms in support of families with disabled minors are aimed at innovating the system of permissions and leaves: legislative decree 151/01, that has extended the parental leave, law 183/10 and legislative decree 119/11, that include — in

addition to the creation and the management of a data bank for the collection and the management of data about permissions — the possibility to benefit from an extended leave, by mother and father alternatively, for a maximum of three years, which shall be taken by the end of the eighth year of life of the disabled child, whereas the earlier normative stated that the extension could be of a maximum of 3 years with a right to 30% of the retribution. As an alternative to the extension of parental leave, parents can benefit from of paid hours until the age of three.

98. More generally, with regard to the assistance of persons with severe disabilities, public or private workers assisting a person with severe disability, (a spouse, a member of the family within the second degree of kinship or third degree of kinship if the parents or the spouse of the person with disability is at least 65 years old or is affected by invalidating pathologies or dead or absent) has the right to a maximum of 3 paid days per month. It is possible to assist more than one person with severe disability, as far as this person is the spouse, a member of the family in the first degree of kinship, or second degree of kinship if the parents or the spouse of the disabled person are at least 65 years old, affected by invalidating pathologies, dead or absent (law 104/93, art. 33). In addition, it should be pointed out that the spouse who cohabits with a person with disability has the right to a leave of maximum two years for each person with disability and within his/her working life. In case of absence, death or invalidating pathology of the spouse, the father or the mother (also foster parents) are entitled to this facilitation; in case of death, absence of invalidating pathologies of mother and father (also foster parents), the facilitation goes to one of the children living together; in case of absence, death or invalidating pathology of children, the facilitation goes to one sister or brother living together (legislative decree 151/2001). In addition, adults with severe disability is entitled to the aforementioned leave (three days per month) and has the right to choose the work place that is closest to his/her domicile and cannot be moved to another place, without his/her consent.

99. The Council of Ministries has approved on 7/6/12 the National Plan for Families that includes the guidelines for family policies and guarantees centrality and social citizenship to the family, with a medium-term strategy; it also focuses — among the priorities and urgent areas of intervention — on families with disabled people or non-autonomous old people.

100. In the system of adoption, a preference criterion is the availability to adopt minors with a "physical, sensorial or mental disability, stable or progressive, which is a cause of learning difficulty, relation or work integration to determine a social disadvantage or marginalization". In case of adoption of minors aged more than 12 or affected by a handicap, the State, Regions and local administrations, within the scope of their competences and financial availability, might decide to apply specific economic measures, through economic support, to training activities and social inclusion, up to the age of 18 for the persons adopted. If the minor has a disability, the adoption is allowed, in addition to married couples, also to unmarried couples. If the adopter is married and not separated, the adoption can be allowed after the request of both spouses.

101. For disabled minors the general principles are included in law 104/92, which establishes a series of measures and services to allow people with disability to live in their family environment or, if this is not possible, to find alternative options to avoid their insertion is special institutes. In particular: socio-psycho-pedagogical initiatives, social assistance and home care, home aids and economic aids, support to people with disability and their families; personal support to persons with disabilities with temporary or permanent limitation of personal autonomy; custody; organization and support for residential houses, foster homes and similar residential facilities in order to encourage the deinstitutionalization and to ensure to people with disability, without adequate natural or foster family accommodation, an adequate environment.

Article 24 – Education

102. The right to education of persons with disabilities is enhanced by the Constitution and ordinary laws (art. 28, law 118/71 and law 517/77, law 104/92), establishing requisites, conditions and instruments for school integration of students with disabilities and ensuring the right of children and young people with disabilities to have adequate access to classes, from primary school to all education institutes and universities.

103. The right to vocational education of persons with disabilities is ensured by the Italian Constitution, article 38, law 118/71, law 845/78 and law 104/92, under which Regions shall include persons with disabilities in public or private vocational courses, in shared classes or specific vocational courses. There are no standards or monitoring mechanisms to assess the access of adults with disabilities, especially if in need of special support, to vocational education opportunities, lifelong learning programmes, semi-residential services, even through a qualitative and quantitative support to individual education needs, in application of article 14, law 328/00.

104. Education of disabled minors who are subject to right-duty to education is guaranteed even if they are temporarily unable to attend school (art. 12, co. 9, Law 104/92). On this point, the legislation recognizes homeschooling and the creation of detached sections of state-controlled schools available also to hospitalized minors without disability.

105. In terms of reasonable accommodation, local administrations must support school inclusion while providing "assistance for autonomy and personal communication of students with physical or sensorial handicap". Law 104/92 establishes that school integration of persons with disabilities must be based on: a) coordinated plan of school services, social services, cultural, leisure and sport activities with other activities on the Italian territory managed by public or private organizations; b) supply of didactic tools and assistive technology to schools, as well as other forms of technical assistance; c) measures to accommodate the special needs of students at University; d) the supply of sign language interpreters to Universities in order to facilitate the learning process of deaf students. DPR 81/09 regulates the maximum number of students (20) in the first classes, that receive disabled students, while a maximum of one student with severe disability per class is allowed, as per ministerial circular 63/11.

106. Recently, judgment 80/2010 of the Constitutional Court has stressed that school integration is a constitutionally-guaranteed right for students with disabilities and that it is realized also through special teachers for adequate support to the "real needs" of each person.

107. In compliance with law 104/92, school inclusion of children with disability is organized on the basis of individual educational plans (PEI), taking into account the necessary adjustments for students with disabilities. Within this framework, the same law stresses the importance of special initiatives aimed at special needs of students.

108. Law 17/99 guarantees to disabled University students, technical and didactic tools, specialized tutoring services and personalized services for exams. The professional figures involved in this process are curricular professors and special professors, who are co-coordinator of classes and participate in the didactic planning.

109. Ministerial decree 249/10 regulates the obligatory education activities concerning school integration and the modalities to obtain the qualification and specialization for special teaching activities. The legislator has regulated the professional education of special teachers, to be carried out through dedicated two-year specialization courses in Universities. Paragraph 3 of article 14, law 104/92, establishes that the bachelor's degree for nursery and primary schools, "is to be considered as a qualification for the participation in competitions for special didactic activities, only if the relevant exams have been

successfully passed, that is, obligatory exams for the preparation to special didactics". Similarly, the specialization diploma for secondary school teaching has a qualifying nature for special teaching if the teacher has passed the relevant exams.

110. Ministerial decree 139/11, implementing the new regulation on the initial education of teachers, starting from academic year 2011/2012, establishes a qualification class for special teaching and regulates education process for the achievement of the specialization for special didactic activities aimed at students with disability. It should be pointed out that for the first time ever, Italy establishes the need for obligatory education courses on school integration for all teachers. As far as the integration of disabled teachers is concerned, our normative framework allows disabled teachers to work in primary schools as special teachers and acknowledges blind teachers (and, per analogy, all other disabled teachers) the right to bring a trusted assistant to secondary school classes (art. 64, Law 270/82).

111. ISTAT, in cooperation with the Ministry of Education, University and Research, and the MLPS, has set out in 2011 a survey on the integration of disabled students in primary and secondary schools, both private and public, which adds to the information collected by the relevant Ministry, with the contribution of 22,808 schools, that is 90% of surveyed schools. MIUR publishes a yearly report on its website (www.istruzione.it) with the information about students with disabilities in public and non-public schools: in 2010–2011 students with disabilities were 208,521, of which 191,183 in public schools, with an increase of 4% compared to the previous year.

Article 25 – Health

112. The basic principles of the right to health are expressed by article 32 of the Constitution, which assigns to the Republic the duty to protect health as a fundamental right of people in the interest of the society, and guarantees free care healthcare to disadvantaged people, while specifying that "nobody can be obliged to a given sanitary treatment if not compelled by Law. Never can law violate the limits imposed by the respect for human beings".

113. Law 102/09 attributes to INPS an outstanding role in the field of registered disability, civil blindness, deafness, handicap and disability, management of administrative and legal procedures in this field. The evaluation of "civil disability", handicap (law 104/92) and disability (Law 68/99) for targeted job placement, is attributed to dedicated commissions in health care units, but these are integrated by a INPS-controlled doctor as an effective member.

114. In the field of primary care, law 833/78 has defined the principles on which the health system is based, namely the principles of universality and equal access to health services and the principle of global coverage on the basis of individual assistance needs. In Italy, the sanitary assistance to people with disabilities falls within the scope of "socio-sanitary services, defined as such because they are characterized by the integration of sanitary and social resources and therefore cannot be attributed exclusively to a sanitary or social field". Socio-sanitary services include all social activities aimed at supporting persons in need, be they disabled persons or persons with marginalization problems that have a negative impact on health (based on article 3 *septies* b of legislative decree 502/92). These services are characterized by a very high relevance and intensity of the sanitary component, and are specific to mother-child relation, old people, disability, mental illness, drug-addiction, alcohol and medicines, HIV-related pathologies and terminal diseases, inabilities or disabilities occurring after chronic-degenerative diseases.

115. In line with the socio-sanitary services and sanitary integration, law 328/00 acknowledges the right of persons and families to an integrated system of initiatives and

social services and aims at preventing, eliminating or reducing disability conditions, weaknesses and individual or family disadvantages, deriving from income problems, social difficulties, non-autonomy conditions, in consistency with articles 2, 3 and 38 of the Constitution (art. 1). Law 328/00 pays particular attention to disabled people, and establishes that Municipalities (art. 14), in cooperation with local health units, shall prepare special projects aimed at recovering and integrating these persons, while defining support measures for their families. At a regional level, we find the implementation of norms for the socio-sanitary integration of persons with disabilities.

116. The facilitations of the Italian Law for persons with disabilities consist in the free provision of health services (in line with article 25, letter l of the Convention). In addition, for rare and invalidating diseases, disabled people are exempted from paying a "ticket" (ministerial decree 279/01 establishes that the exemption shall be extended to all specialist, diagnostic and therapeutic services, appropriate and effective for the treatment and the assessment of rare diseases and the prevention of worse health conditions).

117. In the law ratifying the Convention, Italy did not put any reserve or interpretive declaration in terms of sexual and reproductive health (art. 25, letter a)). However, article 1 of law 40/04 uses explicitly use the term "rights of the baby", who is legally equivalent to a "person".

118. As to early diagnosis, in line with article 25, letter b) of the Convention, law 104/92 highlights three general principles for the rights of people with disability, namely prevention, diagnosis and early pre-birth therapy of handicaps and systematic research of their causes.

119. Regions are responsible for the implementation of law 104/92 as well as for information and education to health, elimination of risk factors, counselling activities, assistance to women for early diagnosis of deformations, pre-and post-birth tests.

120. In Italy, in 2006 the Ministry of Health has started the project "House of Health" (law 296/06), to be intended as the public premise where — in a same physical space — are hosted all territorial services that provide health-related services, including general and specialist services, and social services for a given part of the population. The ministerial decree dated 10/7/07 has started the experimentation of the healthcare model of the houses of health and the State-Regions Agreement 1/8/07 has allocated a 25% resources to primary health care with reference to the experimentation carried out through the "House of Health".

121. With reference to the informed consent, it consists in the right of persons to rely on the most complete and full information about his/her health conditions in order to decide about his/her own health. In the Italian normative body, this principle is disciplined by articles 13 and 25 of the Constitution. Article 13 establishes that the personal freedom is inviolable while article 25 states that "nobody can be obliged to a given sanitary treatment if not compelled by Law. Never can law violate the limits imposed by the respect for human beings". The principle of informed consent can be also found in various national legislations.

122. The principle of non-discrimination in healthcare can be implicitly drawn from constitutional provisions (namely articles 3 and 32) establishing the principle of equality and the protection of health as a "fundamental right and interest of the society"; in this way, they oblige the State to promote all relevant initiatives and to adopt behaviours that are aimed at the best protection of health.

123. The scope of application of law 67/06 extends to economic and social rights, among which the right to health as well (art. 1, para. 1); this means that a person with disability, who thinks to be discriminated in healthcare because of his/her condition, can take a legal

action and if his/her request is accepted, he/she can obtain a compensation of the damage and the order to stop the discriminatory behavior.

Article 26 – Habilitation and rehabilitation

124. The habilitation and rehabilitation of persons with disabilities in Italy are disciplined by law 833/78, law 104/92 and law 328/00, which, consistently with article 26 of the Convention, guarantee the socio-sanitary integration of the individual therapeutic project. According to article 26 of law 833/78, health services aimed at the functional and social rehabilitation of people with physical, mental or sensory handicaps, depending on any cause, are provided by local health units through their services. In case the local health unit is not able to provide the service directly, it can stipulate conventions with institutes of the region where the person lives or of other regions, with the requisites indicated by law, in compliance with a standard model approved by the Ministry of Health, and approved by the National Health Council. The same law 833/78 establishes that the National Health Service shall carry out actions to promote physical and mental health in the full respect of the dignity and freedom of human beings (art. 1).

125. Law 104/92 has updated the Italian legislation concerning disability through an approach that tends to a functional and social rehabilitation of persons with disabilities, establishing that the Republic ensures the services for prevention, habilitation and rehabilitation (art. 1). According to article 7 of law 104/92, the National Health Service must ensure the support of persons with disabilities, through State-controlled or agreed healthcare providers, healthcare services and early rehabilitation of persons, as well as specific rehabilitation and outpatient treatments, delivered at home or in daily/residential socio-rehabilitation centres. These centres are defined by article 8, paragraph 1 of law 104/92. They are an "institution or an adaptation of daily socio-rehabilitation centres, with education purposes, in the aim of facilitating life to people who are temporarily or permanently handicapped, who have completed an obligatory school pathway, and whose residual abilities still allow viable forms of work integration".

126. Article 7 of law 104/92 establishes the principles and the objectives of habilitation and rehabilitation of persons with disabilities. In particular, care and rehabilitation of persons with disabilities shall be reached through programmes that include social and healthcare services in order to enhance the abilities of each person and have an impact on the whole situation, by involving the family and the society.

127. Law 104/92 is therefore in line with the basic principles of the Convention, in that it ensures the participation to rehabilitation and habilitation programmes and integrates social and health policies in order to develop the abilities of the disabled person and guarantee the involvement of families to protect and promote private and family life. Article 8 of law 104/92 establishes socio-psycho-pedagogical actions, social services and healthcare, home assistance and economic aids to support people with disabilities and their family. Basically, for persons with disabilities and old people with severe motor difficulties, it is possible to activate cycles of free home rehabilitation, while using registered regional centres that have activated this service. The service is reserved to non- ambulatory citizens who need rehabilitation in order to prevent the situation from worsening and to keep the highest autonomy possible.

128. Article 14, paragraph 1, of law 328/00 establishes that, for a full integration of persons with disabilities in family and social life, as well as in school and vocational education programmes, municipalities and local health units, upon request of the person involved, shall prepare an individual project (PI). Pursuant to article 14, paragraph 2, this project shall include, in addition to functional and diagnostic evaluation, care and rehabilitation services provided by the National Health Services, the services provided by

the Municipality directly or in an accredited way, with particular reference to rehabilitation and social integration aspects, as well as economic measures to overcome poverty conditions, marginalization and social exclusion. The project also defines potentials and aids for families.

129. Law 284/97 has established the allocation of a yearly fund for initiatives aimed at blindness prevention and the creation of sight education centres and rehabilitation institutes, in order to encourage social, school and professional integration of visually-impaired people.

130. A very well-known problem of habilitation and rehabilitation is about the non-homogeneous distribution on the national territory. An attempt to bridge this gap is the definition of guidelines, after various meetings between groups and governmental levels, in order to share principles, experiences and action strategies.

131. On 6/10/10 the Ministry of Health has published the Guidelines for Rehabilitation. This is a list of guidelines that update the ones published in 1998, whose main objective was to create a network of services and assistance for rehabilitation, to set up a model of integrated socio-sanitary pathway and to protect the autonomy of autonomous provinces and regions, in compliance with their own plans. The new 2010 plan for rehabilitation introduces the new Bio-Psycho-Social Model (ICF): Clinical Government – Rehabilitation Department; Single Rehabilitation pathway – Rehabilitation Network; interdisciplinary approach; appropriateness of pathway; involvement of patients and families; creation of new dedicated units; physical adapted activity (AFA). The hospitalized person with disability must follow a single integrated rehabilitation programme in various settings of the rehabilitation network. This principle is reflected in the idea of "taking charge of the patient" and the provision of services, in accordance with rehabilitation programmes defined within an Individual Rehabilitation Programme (PRI) while applying the principle of prescriptive appropriateness and appropriate supply. These interventions are aimed at the clinical stabilization with the restore of conditions of autonomy and management in extra-hospital settings.

132. In 2011, the ratification of "Guidelines for the assistance of people in vegetative state and minimally conscious state". These guidelines concern the rehabilitation process of people with low responsiveness in case of severe acquired cerebral lesions. They also urge Regions to make social care and healthcare services homogenous in favour of patients with SV e SMC; they recommend linear, rational and early interventions starting from the acute phase, while ensuring that the patient is "taken in charge" in his/her pathological unit through a multi-articulated network, that includes an intensive care unit, a sub-intensive care unit and territorial facilities. This pathway is recommended by the Consensus Conferences and Guidelines on Rehabilitation of 1998, updated in 2011. These guidelines draw on the work of the "Clinical Commission" and the "Permanent Seminar of the Associations" installed in the Ministry of Health, that has created the "White Paper on Vegetative States and minimally Conscious State" in the aim of promoting an integrated system and a pathway network called "Coma to Community".

133. In the field of technical aids, in order to support people with disability and their families, there is the so-called National Listing of Prosthesis (*Nomenclatore Tariffario*). This is a document drafted (and updated) by the Ministry of Health that sets out the type and modes of provision of prostheses and aids by the National Health Service. The National Listing into force today was set out in ministerial decree 332/99.

Article 27 – Work and employment

134. As to employment and work protection for persons with disabilities, the most relevant legislative measure is represented by law 68/99, already recalled, along with DPR 333/00. This law is aimed focuses on job placement and work integration of persons with disabilities while ensuring the respect of their abilities and attitudes, in compliance with the objectives of article 27 of the Constitution. It represents the evolution of the Italian legislation in terms of occupation of people with disabilities, in particular law 104/92, while integrating it with the emerging principles of the international norms aimed at protecting the rights of persons with disabilities. This stands clearly in the introduction of the notion of mental illness, which cannot be found in law 104/1992 but rather falls under the scope of application of the Convention, while extending the protection to people with this type of disability. Law 68/99 applies to: a) people in working age with physical, mental or sensorial handicaps, with a reduction of their working ability of more than 45%, confirmed by dedicated commissions for the certification of disability; b) industrially disabled people with a degree of handicap of more than 33%, certified by the National Institute for the Insurance against Accidents at Work (INAIL); c) deaf or blind people, except for blind telephone operators, masseurs and physiotherapists, rehabilitation therapists and teachers; d) disabled ex-servicemen, registered disabled civilians and legally disabled persons with impairment as per DPR 915/78.

135. Employers, both in the public and private sector, are obliged to guarantee the workplace to people who, not being affected by any disability in the moment when they have been hired, have acquired a disability as an effect of a work injury or a professional disease (art. 1, para. 7, law 68/99). The Law obliges both public and private employers with at least 15 workers, to hire disabled workers in accordance with reserve quota (art. 3). This is basically the notion of mandatory hiring which was in the previous legislation already. This mandatory hiring, limited to new workers and valid for technical/executive staff only, also concerns political parties, trade unions and no-profit associations operating in the field of social solidarity, assistance and rehabilitation. For police services, civil protection and national defence, the placement of persons with disabilities only concerns administrative services.

136. Article 17 plays a particularly important role, since it requires public and private companies participating in a public call or having concession/convention agreements with public administrations, to present the declaration of the legal representative attesting the compliance with norms regulating the access to employment for persons with disabilities, under penalty of their exclusion.

137. The assessment of the implementation of law 1999 corresponds to the obligation, stated in article 31 of the Convention, to collect data and statistics concerning disability, in order to elaborate specific policies to satisfy the needs of persons with disabilities. The most recent data about the job placement of persons with disabilities concern the years 2010–2011 and are included in the VI Report to the Parliament about the state of art of the implementation of law 68/99. In 2006, there were about 648,785 people registered in the list, increased to 706,568 in 2009 and 743,623 in 2010. The number of people registered in 2011 is of 644,029, with a decrease of more than 95,000 people compared to the previous year. The distribution in the list sees the majority of Southern Regions and Isles, accounting for 60% of the total. The number of disabled persons who started working in 2011 is of 22,023 people, with a slight reduction compared to the previous year (they were 22,360 in 2010) because of the effects of the economic crisis on employment. The percentage of disabled people who start working in enterprises with less than 15 workers every year corresponds to about 10% of the total number of new contracts. As to contract types, 2011 is characterized by more short-term contracts than long-term contracts, especially in Northern Regions with a higher production density. A gender-based analysis of the

provincial registrations shows that the number of women with disability is lower than the number of men in all territorial areas except for Central Italy, while the list of new hires on a national basis in 2010 shows that 40% concerns women with disability. This percentage increases in 2011 and reaches 40.4% of new hires. Sample surveys carried out on the active population aged between 15 and 64 stress that in 2008, the active population with disability is of about 700,000 persons (Survey carried out by the Institute for the Development of Professional Education ISFOL PLUS – Survey on job offer in Italy). The most outstanding difference compared against the whole population is gender-related, since among persons with disabilities, women represent about 40% of the total, with a very low incidence in North-West areas (28.7%), in the South and in the Isles (30.1%). Among persons with disabilities, the percentage of workers is of 58%, while 11.6% declare to be looking for a job. The number of persons with a pension is high (retired from work but also beneficiary of disability benefits), about 26.4% against 8.4% of the whole national population. Information about pensions shows a clear correlation with income support measures and pensions. Disabled workers are subordinate workers in 81.2% of cases, against 75.4% of total workers in Italy. Regional administrations have promoted various economic initiatives in favour of autonomous work and self-employment as an instrument of integration for persons with disabilities. Among workers, the most relevant sector is services (61%), which can be still considered as an interesting field for employment opportunities.

138. Recently, law 92/12, "Regulations concerning employment in a growth perspective", includes actions aimed at effectively implementing the right to work for persons with disabilities. The calculation of the reserve quota is redefined; for the determination of the number of people with disabilities to hire, the calculation considers as employees all subordinate workers, with specific exceptions. This law also sets out new criteria and modalities for the communication — by the employer — of unfilled obligations, and the use of exemptions, in order to activate controls and verifications. Concerning exemptions from law obligations, the law redefines procedures, criteria and modalities of concession, along with specific norms aimed at enhancing control activities.

139. On behalf of the MLPS, *Italia Lavoro*, the National agency for employment active policies, has created a programme to spread ICF in the work integration for persons with disabilities; since 2004, the programme has involved more than 11 Regions.

140. The European Commission referred Italy to the Court of Justice of the European Union pointing out that Italy has not completely transposed Article 5 of directive 2000/78/CE. The European Commission considers that Italian law does not provide or a general rule of reasonable accommodation for persons with disabilities in all aspects of employment.

Article 28 – Adequate levels of life and social protection

141. Similarly to article 19, programmes aiming at guaranteeing adequate levels of life and social protection have to rely on the real availability of funds and are called to tackle the weakness of the norms, since the system of essential levels has to be put in place, as per article 117, Cost. Following is the synthetic presentation of programmes, drawing on various sections of paragraph 2 of this article.

142. Access to water is guarantee to everybody: Municipalities must guarantee safe water to all citizens. Costs may vary, in a reasonable range, in accordance to the ability of each territory to provide the service in effective conditions. Costs for this service — defined on a local level — may vary thank to specific reduction/exemptions systems, determined on the basis of incomes and the number of family members. No direct benefit is set out for people with disability, but at the same time, no discrimination in the access: the same costs are applied to persons with disabilities and, if any, the same reductions/exemptions are applied

at the same conditions as the other citizens. With decree-law 201/11, the Authority for Energy and Gas was assigned control functions even in the field of water supply services.

143. As to the access to gas and electricity, these are provided in free competition; a public independent authority checks prices. With reference to the access for persons with disabilities, the so-called "Electricity Bonus" deserves attention. This is a facilitation aiming at reducing the expenses of users for the supply of electricity. Introduced with ministerial decree 28/12/2007, this bonus guarantees savings on yearly expenses for electricity for two types of households: economically disadvantaged families and families with a person affected by severe illness or disability, for which electro-medical equipment alimented by electricity is fundamental.

144. As to telephone communications, services are provided by private companies in free competition with an independent authority checking prices and fair competition. The exemption from State-tax on phone service is still recognized, however the exemption system does not appear to be complete; for example, deaf people do not enjoy facilitations in the purchase of communication devices, which have now replaced the old technological instruments such as the so-called DTS (special telephone device for the deaf).

145. Programmes against gender discrimination and children discrimination appear to be very attentive to multiple discriminations, especially in case of disability, even though no specific initiatives are being organized to encourage equal opportunities of persons with disabilities. However, good practices are being carried out by organizations of people with disabilities and local authorities. As to children with disabilities, equal opportunities programmes are based on a normative framework that focuses on inclusive education (see art. 24). Outside school, a very few experiences and services — such as multimedia libraries — are accessible to everybody.

146. As to the initiatives to combat poverty and exclusion, the same considerations as for article 19 may apply. In lack of application of essential levels of assistance established by the Constitution, these are implemented at a local level and are very often influenced by the availability of financial resources by local administrations. Many Municipalities have created, in cooperation with no profit associations operating in the field of assistance to homeless people or people in condition of extreme poverty, a network of first-aid services (dormitories, canteens, showers, etc.) and forms of income support measures under the form of contributions. The only national action against poverty is the Social Card, a monthly contribution of 40 Euro to all the families with a child under 3 years old or over 65 years old in condition of severe poverty. The Social Card was introduced for the first time in 2008 and is released on the whole national territory; starting from autumn 2012, a new version will be tested in the Italian cities with 250,000 inhabitants at least. The most outstanding difference is that the Card will be accompanied by other services for which the Municipality is responsible. No specific provisions in favour of people with disabilities.

147. In addition, we find social allowances (created by law 335/1995, art. 3), an assistance service reserved, irrespectively of the payment of social security contributions, to Italian, European or non-European citizens residing in Italy from at least 10 years, aged at least 65, without income or with an income that is lower than the limits established by law.

148. As to emergency services and food allowances, there is no discrimination or facilitation in the access for persons with disabilities and in condition of poverty.

149. Some old norms have been kept into force in the discipline for the protection of the public order (arts. 153 and 154 of the Unified Text on Public Security dated 1931), which has changed overtime and has been adjusted to the constitutional provisions, establishing that people with disabilities without means of support shall be guaranteed room and board by local administrations. Some legal experts interpret this measure as a single essential

level in favour of people with disabilities, since Municipalities are compelled to guarantee services for extreme poverty within the limits of available resources.

150. As to the specific discipline in terms of monetary benefits to protect persons with disabilities, it should be pointed out that "registered disabled" persons enjoy treatments that are not bound to past social security contributions whereas, in case of industrially disabled persons, the benefit is intended as a form of compensation for a damage to a past working ability. In this case, there is another distinction, because actions can be aimed at protecting against that circumstance — disability pensions and ordinary disability allowances — or being more of an indemnity — allowance for accident — if work (a work accident, for example) is the cause.

151. From the point of view of the legislative evolution, a first categorization of disability was included in law 118/71. This regulation has integrated in a single text the discipline of the assistance to registered disability, and has included in this category all people with disability excluding registered disabled ex-servicemen, industrially disabled persons, civil disabled, blind and deaf and dumb people, whose status is addressed by a different legislation. Based on disability percentages, norms regulate the provision of continuous economic benefits: disability pensions and monthly allowances. These norms, along with those defined in the past in favour of deaf and blind people, (law 66/62 and law 381/70) are still, though strongly amended and modified, the most important reference for pensions and citizens with disabilities. The support for registered disability amounts to 268 Euro per month; after 65 years old, this aid becomes a social allowance. Persons entitled to allowances for registered disability are persons with Italian citizenship, EU citizens with regular residence in Italy or non-EU citizens with a residence permit, fulfilling all health-related, legal and economic criteria. Until 31/12/2011 INPS has paid pensions and disability allowances for 3.8 billion Euro (for the specific number of services see article 19; source: INPS Report 2011).

152. As to public aids and economic support for people with disability in poverty conditions, see previous paragraph. Public support for the vocational education and vocational guidance is founded on a holistic system. Persons authorized to operate are also private operators of the vocational education and vocational guidance fields. The public management of vocational education operators is managed locally. Services of vocational guidance created by individuals, however, in the absence of incentive-based mechanisms that include disabled unemployed workers as well, rarely have adjusted their operational instruments to the potential of people with disabilities. The only constraint was often the physical accessibility of buildings. Persons with disabilities have nearly exclusive access to public vocational guidance facilities which, according to last results, are inaccessible in 37% of cases.

153. Article 3 of law 457/78 "Norms for residential construction", amended by law 104/1992, establishes that a reserve of funds shall be created for the concession of capital grants to municipalities, autonomous institutes for council housing, denominated or transformed, companies, cooperatives or consortia to create a similar type of housing solution or to adapt existing facilitated or State-aided housing projects to the needs of beneficiaries or buyers with disabilities, or to the needs of families who are assigned State-funded houses, among which people with disability with severe health conditions or dramatically reduced mobility. The norm assigns to the Regions the regulation of access modalities to the reserved quota of residential construction. Some regional norms refer to social housing. Municipalities manage the resources to build social housing and decide about the access modalities. In recent some years, there has been a drop in the resources available to the local administrations to build social housing. Persons with disabilities experiencing economic difficulties often receive a contribution to pay a rental, more than social housing at convenient prices. Since in Italy there is a huge amount of social housing

owned by public administrations, there are reserve quotas to access those houses. Unfortunately, not always those houses are built in accordance with universal design criteria.

154. The contribution system is mainly of public nature, being the second and third pillar still not relatively developed. The reforms of the last 20 years have introduced a contribution system that is applied today, at least under the form of pro-rata, for all persons who retire. Of course the enjoyment of social security benefits by people with disabilities is influenced by limited opportunities that people with disabilities can take when it comes to the access to employment and job duration (as illustrated by article 27) and the difficulties that characterize the acquisition of an adequate job position and career opportunities. As a consequence, the social security benefits that derive from this situation draw on a very limited economic dimension. Persons with disabilities can retire earlier than the others. After the reforms of the pension system, the so-called "complementary social security" was promoted. This is accessible to all workers. It should be pointed out that health conditions can determine exclusion or discrimination from equal treatment.

155. The protection in the field of insurance against accidents and professional diseases is characterized by an indemnity function, while guaranteeing to the worker who was injured in his psycho-physical integrity a compensation that is proportioned to the entity of the damage. The discipline draws on the Unified Text approved through DPR 1124/1965 amended by law 251/1982 and legislative decree 38/2000. INAIL is the main supplier. All employers are obliged to stipulate this insurance for all long and short-term workers for the activities that the law considers as risky, as well as for craftsmen and farmers. The event that allows workers require compensation is a violent work accident, which has caused the death or a permanent disability, both total or partial, or a temporary which causes the abstention from work for a period of more than three days. In a different way than a work accident, a professional disease must be the consequence of a slow, progressive and gradual lesion on the body of the worker and shall be contracted, because of the exercise of a professional activities as indicated by the Unified Text. If the degree of inability is attested between 16% and 100% of the working ability, industrially disabled persons are entitled to a permanent monthly allowance, paid by INAIL, in addition to other services. Among the services provided by INAIL, in addition to health services, including surgery operations, clinical tests and prosthesis we find: daily indemnities for temporary inability; allowances: for direct permanent inability; temporary; periodical; allowance for continuous personal assistance; allowance for survivors and a *una tantum* allowance in case of death. In addition, disabled public officials, if disability has occurred for work-related reasons, are entitled to a fair compensation, to a privileged pension and to other services paid by their public administrations. In particular, these benefits are paid if the disability has occurred during civil or military work for the State or public administrations.

Article 29 – Participation in political and public life

156. The right of participation in political and public life includes traditional political rights, that is, active and passive electoral rights and the freedom of association. Political rights are acknowledged to persons with disabilities by the Constitution, based on articles 2, 3, 18, 48, 49 and 51. At the light of these constitutional principles, no discrimination can be accepted towards people with disability, with respect to the attribution of passive and active electoral rights.

157. With respect to the right to vote, disabled persons with a medical certificate stating clearly the type of disability that prevents this person from being able to express his/her vote without the help of another person, can be accompanied to the booth by a member of the family or another person. This is not a violation of the principle of privacy of the vote,

because the person only plays the role of assistant in the material expression of the vote, and is not replacing the person him/herself. This type of assistance shall not be considered as a limitation of the person's will and is therefore allowed only because of circumstances that have an impact on the transmission of a regular will. Paragraph 3 of article 29 of law 104/92 has extended the assisted vote to all people with disability who cannot exercise the right to vote autonomously. Nobody is entitled to accompany more than one person with disability. A higher correspondence to the principles of the Convention can be found in the right to vote at home, introduced with law 22/06, amended by law 46/09. For this reason, the existing norm acknowledges the possibility to exercise the right to vote at home, for people affected by very severe disability, because the fact of being far from their house would be inadmissible, even with special facilities described in article 29, law 104/92, that is, cannot be "moved". These people can vote where they live, which can be different from their official residence.

158. Law 15/91 contains provisions about accessibility of voting booths for persons with disabilities who are not able to go to the voting booth autonomously because of architectonical barriers, even though they are able to vote. Following law 62/02, at least one booth out of four will have to be accessible, except in case of physical impossibility (art. 2). In this case, different needs of people with different types of disability will have to be considered in order to guarantee the right to equality and vote. Article 29 of law 104/92 assigns to the municipality that organizes elections the obligation to arrange public transportation services to make it easier for persons with disabilities to reach the destination. People entitled to use this service are disabled people whose handicap has been assessed pursuant to article 3 of law 104/1992, but also those who are temporarily disabled (they also have to present a certificate). At least three days before the elections, local health units must prepare a service for disability certificate release; certificates, which are released immediately and free of charge, must be presented to the president of the polling station.

159. As to passive and active electoral rights to public offices, based on article 51, paragraph 1 of the Constitution, all citizens can equally access electoral posts and public offices (non-elective) according to the conditions set out by law. Positive qualifying conditions are age, Italian citizenship and qualification. For electoral purposes, these conditions are important for the recognition of a passive electoral right. Negative requisites consist in the absence of obstacles, that is, situations that would make the election invalid, such as interdiction or invalidation.

160. In relation to the participation in public offices, pursuant to article 18 of the Constitution, citizens can associate for any purpose that is not forbidden by Law. A clear specification of freedom of association is article 49 of the Constitution, which recognizes to all citizens the freedom to create political parties to concur to the determination of the national politics. With reference to persons with disabilities, article 30 of law 104/92 states that Regions shall adopt consultation forms that guarantee the participation of people with disability in the preparation of programmes of promotion and protection of the rights of the disabled. In particular, Regions — through the most viable options — (as an example, the creation of committees of associations or operators, surveys or other) allow citizens to participate identifying objectives and resources. The regional practice was consolidated through a twofold method: a voluntary method, based on the consultation of the parties involves, and an institutional method, through the creation of permanent participation forms. Relevant measures are contained in law 328/00, which recognizes to individuals and associations the right to participation and consultation within an integrated system of actions and social services (art. 1, paras. 5 and 6); nevertheless, other consultation forms for people with disabilities have been developed at a local level (municipalities and regions) in order to plan and implement services and initiatives in favour of persons with disabilities (arts. 6 et 8).

161. The laws currently in force (law 212/93 and law 28/00) establish the obligations the public broadcasting service concessionaire, the holders of concessions or broadcasting authorizations and publishers of newspapers or magazines are subject to, on equality of treatment between competitors accessing both public and private places and spaces where private information and campaigning take place. On the occasion of the general election of 2008, the RAI Supervisory Board adopted a measure establishing the obligations on the usability of electoral information by deaf people. In particular, the general plan was to distribute a TV card and a radio card with subtitles and translation into the sign language (SL), on the main features of the elections and how to vote, as well as the publication of teletext pages on the programmes of electoral rolls and their main initiatives during the election campaign. Similar requirements were also provided by the Authority for Communications, resolution 4/3/08, for the national private broadcasters.

162. Article 11 of law 180/1978 repealed the provisions of ban with the purpose of eliminating from the Italian system any cause of limitation of the right to vote for civil incapacity – an approach confirmed by the Italian case law (among others, the Constitutional Court judgment 303/87).

Article 30 – Participation in cultural life, recreation, leisure and sport

163. The Italian legislative framework on the participation of persons with disabilities in cultural life, recreation and sport is rather complex. The basic legal text in this respect is represented by law 104/92, whose Article 23 focuses on the removal of obstacles to sports, tourism and recreation.

164. With regard to cultural activities, Article 6 of the "Code of Cultural Heritage and Landscape" (legislative decree 42/2004) explicitly states that enhancing the cultural heritage means also to "... ensure the best conditions of use and enjoyment of our heritage, even to people with disabilities in order to promote the development of culture...".

165. In recent years, the Ministry of Heritage and Culture (MiBAC) has promoted activities aimed at breaking down architectural barriers, including through the allocation of funds to promote the creation of museum, library and archive paths partially sighted people, blind people and persons with disabilities can enjoy. The establishment of a Commission for the analysis of disability issues in the field of heritage and cultural activities led, in 2008, to the publication of some guidelines for the elimination of architectural barriers in the places of cultural interest. In February 2010 the aforementioned Ministry launched a project called *A.D. Arte-L'informazione* (AD Art-information), through which they are going to define an integrated system which is fully accessible to all, and which will provide information to people with special needs throughout the whole process of use of cultural heritage in 848 Italian state-owned places which are open to the public. In addition, the Ministry of Culture (MiBAC), through a Memorandum of Understanding with the Italian Union of Blind and Partially sighted people (U.I.C), in 2011 launched the project named "Conversations on art" that includes a series of radio broadcasts on the topic of cultural heritage, which provide information on exhibitions, current events, and any other interesting cultural initiative for visually impaired people.

166. Law 4/04 acknowledges and protects "the right of every person to have access to all sources of information and related services, including those that rely on the IT and telematic tools".

167. The Italian legal system also provides for specific provisions regarding access by persons with disabilities to television programmes. Article 4 of Legislative Decree no. 117/05 establishes that the reception of TV programmes by the citizens with sensory disabilities is "favoured", providing for the adoption of appropriate measures prior to

consultation with the relevant trade associations. Article 13 of the current national service contract entered into by the Ministry of Economic Development and RAI, in force until 31/12/2012, indicates the offer dedicated to the persons with disabilities and social programming, recalling also the Convention on the Rights of Persons with Disabilities (See art. 21).

168. Cultural production, intended as the development and implementation of creative, artistic and intellectual potential, is guaranteed by laws 285/97 and 328/00, and by means of specific public tenders.

169. With regard to the facilities and advantages persons with disabilities can enjoy, which are aimed at encouraging their participation in cultural activities and the expression of their creative potential, it should be noted that handicapped EU citizens accompanied by a member of their family or their helper are offered free admission to monuments, museums, excavations, galleries, parks, national monumental gardens national monuments (article 4, paragraph 3, letter i) of ministerial decree 507/97, as amended by article 1 of ministerial decree 239/06). In addition to that, the Association of Italian of Authors and Publishers (SIAE) provides for the exemption from the payment of annual membership fees to recognized blind, deaf and dumb, "permanently" disabled or registered disabled.

170. In case of specific conditions and disabilities, the reproduction of works and other protected materials, or the use of communication to this public is allowed, in order to ensure that intellectual property laws do not become an obstacle for persons with disabilities wishing to have access to cultural stuff.

171. Also in the field of sport, the legislator has drawn a special legislation aimed at promoting the practice of sports and sport disciplines by persons with disabilities, and at ensuring their access to sports facilities. The practice of sport is guaranteed at amateur and competitive level (see art. 23 of law 104/92). In particular, Article 12 *bis*, added by law 189/03, regulates the expertise and skills of the Italian National Olympic Committee (CONI) regarding the promotion of sport of persons with disabilities. The Italian Paralympic Committee (CIP), which recognizes and coordinates the Paralympic Sports Federations, is responsible for organizing and managing the sports activities and sports practiced by persons with disabilities. On their turn, the Paralympic Sports Federations organize sports activities for persons with disabilities in Italy. One of their tasks is to promote sport for persons with disabilities at all levels, for all age and population groups.

172. As to the right of accessing the sites where sports facilities are located (please refer to Article 9 for the removal of architectural barriers), there has been a positive trend since 2003, thanks to the inclusion within the specific CONI's Commission on Sport Facilities of advisors of the Italian Paralympic Committee (CIP), who helped develop specific rules aimed at overcoming architectural barriers.

173. Through the DPCM 28/10/2011 the National Table for Governance in sports (TANGOS) was established. TANGOS is the permanent advisory body in the field of sports for planning and strategic scheduling, for political-regulatory activities in national and international fora, and for contributing to the national transposition of European legislation on governance in sports. TANGOS is also in charge of drafting the National Plan for the Promotion of Sports, which pursues, among other goals, to promote the social inclusion of persons with disabilities and the weak through sports.

174. With regard to leisure and tourism, since law 104/92 some provisions have been made in this regard. These provide for administrative sanctions up to the temporary closure of a business and/or establishment (art. 23, para. 5), for those who, in running recreational facilities, outbuildings and tourist services (art. 5, law 217/83) or other public establishments, discriminate "handicapped" people. According to the same law, persons with disabilities shall have the possibility of accessing the sea, stating that "... state

properties granted for beach facilities or resorts and their renewals are subject to visitability [...] and the real possibility for disabled people of having access to these areas..." (art. 23, para. 3).

175. It should be noted that in October 2009 the Commission for the Promotion and Support of Accessible Tourism, which is based at the Department for the Development and Competitiveness of Tourism, endorsed the Manifesto for the Promotion of Accessible Tourism, pursuant to Article 30 of the CRPD. The Manifesto, which aims to involve the whole tourism industry at national and local level, pursues, among other goals, that of putting each person with his/her needs at the heart of tourism, with due attention to the specific needs arising from personal or health conditions, in order to enjoy tourism and tourist services fully and independently, and receiving adequate services which are fair value for money.

176. In terms of mobility, including for tourism or leisure purposes, it should be noted that article 26 of law 104/92 charges the Italian regions with the task of regulating the way in which municipalities act to allow persons with disabilities to move freely within the territory, using, as other citizens, specifically adjusted public transport services or alternative services. Presidential Decree 503/96 also defines special rules with regard to special services of public utility.

177. With the aim of encouraging the participation of persons with disabilities in cultural and recreational life, in 2010 the Department for Equal Opportunities of the Presidency of the Council started a targeted operation thanks to a national public notice worth 2 million Euros to finance national projects aimed at promoting equal opportunities in the field of art and sports in favour of persons with disabilities. The project was proposed again back in 2011 with a budget of 5 million Euros.

Article 6 – Women with disabilities

178. The principles of non-discrimination are enshrined in the Constitution in the field of employment, access to public offices and holding elected municipal offices and specific maternity rules providing protection for employed women who are pregnant or on maternity leave (see articles 3, 31, 37 and 51 of the Constitution). The Italian system doesn't provide for a specific legislation to protect women and children with disabilities, to whom therefore applies the laws on equal opportunities and equal treatment between men and women and a specific legislation on disability. Furthermore, on the development of national legislation, the influence of international and Community law was decisive. We wish to remind you of legislative decree 216/03, with which directive 2000/78/EC on equal treatment in employment and occupation was implemented. Article 1 recognizes "the different impact that the same forms of discrimination may have on women and men", implicitly admitting that women can suffer a "double discrimination", when one of the factors mentioned in the same legislative decree 216/03 (religion, belief, disability, age and sexual orientation) is added to the risk factor linked to gender.

179. From the point of view of the governance of interventions and actions, based on the division of powers as provided for in article 117 of the Constitution, only regional laws can remove any hindrance to the full equality between men and women in social, cultural and economic life, and promote equal access to elective offices. However, in view of their status, women and girls with disabilities are also addressed the specific regulations aimed at integrating and including persons with disabilities in different social and economic environments and protecting them against any forms of discrimination: law 104/92, which includes the general provisions on the social and economic inclusion of persons with disabilities, provides for specific measures to promote integration in the workplace and

protection of one's job, and, to this end, also exceptions to bankruptcy procedures (arts. 20-22).

180. Law 68/99 provides for specific support services and targeted employment. It set up, at the Ministry of Labour, the Fund for the Right to Work of Persons with Disabilities (art. 13). In this regard, the Decree of the Minister of Labour 91/00 allows for incentives to those programmes that encourage the employment of women with disabilities.

181. Finally, law 67/06 seeks to promote the full implementation of the principle of equal treatment of and equal opportunities of persons with disabilities in order to ensure their full enjoyment of their civil, political, economic and social rights (art. 1, para. 1). Another tool in favour of non-discrimination in employment is the 2009 Charter for Equality of Opportunities and Equality at work, i.e. a declaration of intent that companies shall sign to contribute to the fight against all forms of discrimination in the workplace (gender, disability, ethnicity, religion, sexual orientation), committing themselves to enhancing diversity within their company, particularly with regard to equal opportunities between men and women.

182. As to the institutions committed to detecting and combating discrimination, the National Councillor of Equality, is an office that was established to promote and enforce the principles of equality of opportunity and non-discrimination for women and men in the labour market (legislative decree 198/06). The National Councillor for Equality, who is appointed by the Minister of Labour in consultation with the Minister for Equal Opportunities, is responsible for dealing with cases of discrimination of national importance, and for the promotion of equal opportunities, thus playing a double role, i.e. vigilance against discrimination and promotion of equality and equal opportunities in the workplace. The Councillor also coordinates the National Network of the Councillors of Equality (male and female), whose task is to take any useful initiative to ensure compliance with the principle of non-discrimination and promotion of equal opportunities for men and women workers, performing supervision and promotion activities. Supervising means a) that they can take any legal actions by authority of the person affected or for collective disputes, b) monitoring the implementation of the principle of non-discrimination, in particular through the acquisition of information on recruitment, earnings and, in general, on the working conditions, in order to detect gender imbalance. There is an obligation for companies with over 100 employees to draw up an annual report on the situation of staff by gender (including the disability condition), which is forwarded to the competent Councillor of equality. Based on this report, councillors may ask for inspections, detect discriminatory situations, propose companies any corrective actions.

183. The Minister for Equal Opportunities is charged with the task "of promoting and coordinating the actions of the Government in the field of women's human rights and people's rights, aimed at preventing and eliminating discrimination for reasons directly or indirectly based, in particular, on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation". The Department for Equal Opportunities, which supports the Minister, runs UNAR, i.e. the Office for the promotion of equal treatment and the removal of discrimination based on race and ethnicity, for which disability is a transversal condition of intervention. Four free contact centres (violence against women, against racial discrimination, anti-trafficking, against female genital mutilation) deal with detections and reporting of cases of discrimination. In 2010 they started to record specific reports on cases of discrimination on grounds of gender, age and disability, which accounted for 11% of the total, of which a third were on grounds of disability, mainly relating to direct discrimination.

Article 7 – Children with disabilities

184. By ratifying the Convention on the Rights of the Child of 1989 (CRC), through law 176/91, Italy has adopted the principles on the protection of the rights of "all" children and adolescents. These basic principles guide the decisions of policy-makers, also in the field of the interventions and policies in favour of children with disabilities, including foreigners.

185. First, in order to account for the implementation of the CRC in Italy, it is worth recalling the reports to the Committee on the Rights of the Child (I, II, and III-IV). In particular, in this context, we wish to highlight some very important steps taken by Italy. Law 112/11 established the Authority for Childhood and Adolescence in order to achieve the full implementation and protection of the rights and interests of persons under age, in accordance with the provisions of international conventions (in particular CRC, ECHR, European Convention of Strasbourg), the European Union law and the constitutional rules and laws in force. The Authority is working and has already submitted its first report to the Parliament. Organizational regulations are still in the approval stage. The same law also established the National Conference for the Guarantee of the Rights of Children and Adolescents, chaired by the Authority and composed of regional Ombudsmen or similar figures, if any, to promote the adoption of common lines of action and TO identify ways for a constant exchange of data and information.

186. Second, the third biennial national Plan of Actions and Interventions for the Protection of the Rights of Children and Adolescents — 2010–11 — sets out the actions that Italy is going to take to improve the rights of children. There are specific actions targeted at children with disabilities, and aimed at improving the effectiveness of health interventions for school integration, through the creation of a more integrated school/specialist childhood/adolescence service — Local Authorities — the third sector, with great emphasis placed on the process of assessing the abilities and needs of children with special educational needs, based on the bio-psycho-social model of ICF, which forms the basis for bringing an individualized educational plan and for promoting a system of protection of minors with disabilities and of those who have learning, through the actions of the central governments coordinated with the regions and the autonomous provinces, in order to adjust the legislation and actions in favour of children with physical, sensory, mental and intellectual disabilities to the principles of the CRPD.

187. The National Observatory for Children and Adolescents (under law 451/97), which has monitored the implementation of the Action Plan, has highlighted a number of special projects and actions promoted mainly by the Ministry of Education, University and Research (MIUR), including: a) the Interministerial Project "New technologies and disabilities", cofunded by the Department of Technological Innovation of the Presidency of the Council, which consists of seven actions which are independent yet coordinated, with the objective of integrating special education with the resources of new technologies, in order to support learning and inclusion in the school of students with disabilities; b) the National Training Plan "I CARE", which specifically addresses the issues of social inclusion and integration of children with disabilities, but that, in general, is aimed at effectively promoting inclusive schools; c) and the Memorandum of Understanding between the Ministry of Education (MIUR), AID and FTI for the launch of two projects on dyslexia; d) the project "From WHO's ICF model to the design for inclusion" to promote an innovative approach on the issue of school inclusion; e) and finally, in the framework of the 2007–2013 National Operational Programme, Priority I, Objective C, Action C.1, the "PON SOS Students" offers to schools and teachers engaged in recovery activities and support one more tool, through additional activities for managing and carrying out reinforcement activities.

188. It should also be noted that, in order to improve the integration of pupils with disabilities, on August 4, 2009 the Ministry of Education (MIUR) issued the "Guidelines for the integration of students with disabilities", where they distinguished between the legal purport of the inclusion-oriented law 118/71, and law 517/77, which instead seeks to promote substantive equality through the implementation of specific measures and aid teachers. The directives given deal with the primary and secondary legislation in force and aim to raise the quality of training and education to pupils with physical, mental and sensory disabilities. Of course, this educational, inclusive approach is based on appropriate skills of teachers, not only aid ones. In this regard, it should be recalled that the Ministry of Education (MIUR) has launched, in cooperation with leading universities, Masters and Courses aimed at improving the skills of teachers on the autistic syndrome, mental and growth/maturation delay, the ADHD syndrome and sensory disabilities.

189. The recognition of the rights of children with disabilities as an integral part of fundamental rights is also explained in the "Guidelines for Children's 2012" of the Italian Development Cooperation (Directorate General for Development Cooperation of the Ministry of Foreign Affairs) in which they engage in actions to combat social exclusion and socio-cultural and education marginalization of children with disabilities. These guidelines are the updated version of the same document of 2004 and are intended "to decision-makers and/or operators, in both the public and private sectors, to promote wider partnerships designed to make children the protagonists of their own development". The document aims at guiding the efforts of the Italian Cooperation and its partners and promoting "the adjustment of national policies on children to those of the partner countries, as well as their harmonization with those of the other donors, and especially of the European Union". They are based on the four basic principles of the CRC: the right to life; survival and development; the superior interests of children and adolescents; non-discrimination, right to be heard and to participate.

190. In addition, law 170/10, "New rules on specific learning disorders at school", introduced specific rules for different forms of learning disorders and, in particular, for dyslexia, dysgraphia, dyscalculia, and dysorthography. The law provides for the involvement of schools which are willing to have efficient teachers and administrators (and informed parents) who are sensitive and prepared to cope with the issues related to specific learning disorders and who wish to allow teachers to know the matter and, therefore, to be able to recognize the cases they are shown and to early detect the strategies that need to be applied, case by case.

191. It should also be noted that in 2007 the procedural provisions of law 149/01 came into force. This law established the technical defence of the child and of all the parties involved in parental responsibility and the procedures for the declaration of adoptability, in compliance with article 12 of the CRC, and the European Convention on the Exercise of Children's Rights signed in Strasbourg on January 25, 1996, and ratified and executed by law 77/03 which, although it applies to a limited scope (judicial proceedings concerning family) provides for Article 3, according to which minors who are capable of discernment, must be consulted and are entitled to express their opinions.

192. Finally, law 104/92 (see art. 24) provides for practical tools, such as the individual education plans (IEP), which take into account the adjustments required for the inclusion of a disabled pupil and the importance of identifying educational actions targeting the specific needs of individual students, to ensure full enjoyment of the rights of children with disabilities, paying particular attention to the areas of education and integration through the coordinated planning of educational, health, social welfare, cultural, recreational and sports services, especially by providing schools and universities with the necessary equipment and teaching aids.

Article 31 – Statistics and data collection

193. One of the tasks of the National Observatory on the Status of Persons with Disabilities (art. 3 law18/09; see below art. 33) is to promote the collection of statistical data and conduct studies and research on the subject. Already through law 162/98, the Italian legal system acknowledged the importance of statistics and data collection on disability, in line with the consolidated activities carried out at international and EU level. New Article 41 *bis* of law104/92 establishes that the Minister for Social Solidarity promotes statistical surveys and analyses on handicap. On that basis, the then Department for Social Affairs of the Presidency of the Council (now MLPS) and ISTAT (State Statistics Institute) in 2000 started an important cooperation which resulted in the project which was initially called "Handicap Information System" and, later on, "Statistical Information System on Disability". The goal was to create a statistical information tool on disability aimed at, on the one hand, providing information support for both implementing and monitoring policies on disability, as required by law 104/92 and subsequent amendments (law 162/98), and for disseminating to a wider public (citizens, associations, the media and the national and international scientific community) the official data on disability available Italy, through the portal www.disabilitaincifre.it. To ensure persons with disabilities access to and consultation of the data on that website, it was built in a manner that was compliant with accessibility (see art. 9).

194. With a view to increase the statistical information on disability, as required by the ICF and CRPD, design activities for the creation of *ad hoc* surveys were carried out: a) the "Survey on social integration of persons with disabilities", aimed at analysing in depth the living conditions of persons with disabilities and their families, the needs these people have and the ability of the welfare system to support these families from the point of view of services and aid b) the "Survey on the inclusion of students with disabilities in 1st grade, state and non-state elementary and secondary schools", carried out in 2009 and 2010, with the aim of documenting the inclusion in school of young people with disabilities, c) ISTAT transposed the indications of the European Commission contained in its resolution of March 17, 2008 on the situation of persons with disabilities in the EU, by providing a specific form in the survey on labour forces in 2011, with the aim of providing information on the situation of the labour market of persons with disabilities defined according to the current concept of "bio-psycho-social" disability introduced by the ICF. For this investigation ISTAT adopted the list of variables reported in Reg. (EU) 317/10 of the Commission.

195. MLPS, under article 41 of law 104/92, carried out through ISFOL a survey to collect administrative data on persons with disabilities employment. The survey is a census-taking activity and addresses the whole population of the relevant services. The results are included in the "Report to Parliament on the implementation of law 68/99", which is scheduled every two years.

196. As to the databases collecting statistics on disability, we should also mention the specific database by INAIL available on the website of this institute: as the National Institute for the Insurance against Accidents at Work, INAIL has a number of archives that allow for identifying both the characteristics of the insured companies, and those of recipients of benefits for on-the-job accidents and diseases. One of INAIL's objectives is to disseminate statistical data.

197. With regard to the right to privacy and to the protection of statistical data, in order to ensure the privacy of persons with disabilities, these people are protected by our legal system through adequate safeguards (see art. 22). The need for a balance between the right to statistical information and the protection of privacy led the Italian legislator to enact, in the first instance, law 675/96, which transposed directive 95/46/EC on the protection of

personal data. At present, the provisions of law 675/96 are incorporated in the Personal Data Protection Code, adopted by legislative decree 196/03. This Code, which collects the legislation on the protection of personal data and the right to privacy in the form of a consolidated law, transposed directives 95/46/EC and 2002/58/EC (see art. 22). Article 9 of legislative decree 322/89 states that the data collected from statistical surveys can be externalised in an aggregate form only and in such a way that it is impossible to identify the persons to whom these data refer. The decree places on ISTAT the obligation to comply with confidentiality of statistics aimed, firstly, at guaranteeing the protection of statistical confidentiality and, secondly, at ensuring that the data collected during surveys and census surveys cannot be disclosed to any other institutions or individuals, nor published unless in aggregate form or processed so as not to infringe the right to privacy. This was even endorsed by a decision of the Constitutional Court (judgement 271/05) in which it is held that regions "can organize and regulate a network of information on regional realities where personal or non-personal data which are available to regional and local institutions of other stakeholders can be merged". However, it is held that these regional information networks must be managed "complying fully with State legislation on their protection". Obligations and similar guarantees in relation to the production of Community statistics are established by Reg. (EC) 322/97 of the Council for Community Statistics, which guarantees full compliance with the right to protection of personal data referred to in article 8 of the Charter of Fundamental Rights of the European Union. The processing of personal data for statistics and data collection purposes in relation to people with disabilities is placed, therefore, within this less specific legal framework. On the one hand, it ensures adequate safeguards and, on the other, it provides for the necessary balance between the right to privacy and the right to statistical information.

198. Article 3 of law 18/09 also provides for the involvement of national associations which best represent persons with disabilities as well as the organizations of the third sector working in the field of disability through their representation in the National Observatory on the Status of Persons with Disabilities (see art. 33).

199. With reference to the most recent activities in the field of statistics as stated in article 31 of the Convention, see hereinafter (see art. 33).

Article 32 – International cooperation

200. Cooperation for development originated because of the need to ensure respect for human dignity and economic growth of all nations. One of its main goals is to support the most vulnerable groups, ensuring the inclusion of disability in cooperation policies and development programs at all stages. Following the signing in 2007 and the subsequent ratification of the CRPD by Italy in 2009, the Central Technical Unit (CTU) of the Directorate-General for Development Cooperation (DGDC) of the Ministry of Foreign Affairs (MAE), in the scope of inclusion of disability in the Agenda of Italian Development, created a mapping and carried an analysis of the initiatives they funded. Such work resulted in the publication of the report "Disability, International Cooperation and Development – the Experience of the Italian Cooperation in 2000–2008" which analyzes in detail the size and characteristics of the investment in disability by the Italian Cooperation.

201. In November 2010, the DGDC approved the document "Guidelines for the introduction of the issue of disability in the policies and activities of the Italian Cooperation", which were drawn up based on international standards. The document is the result of an inclusive process of consultation with the Italian institutions, the active players of decentralized cooperation, the civil society and disabled associations. The document provides for the drafting of an Action Plan for the implementation of the aforementioned Guidelines. For this purpose a MAE/DGDC – RIDS (Disability and Development Italian

Network) Working Table joined by AIFO, DPI Italia (Disabled Peoples' International), EducAid and FISH (Italian Federation for Overcoming Handicaps) was established.

202. In order to facilitate the exchange of know-how and skills, the drafting of the Report "Disability and International Cooperation and Development: a review of Policies and Practices" in cooperation with the World Bank deserves a special mention. Cooperation with Italian Universities (master, seminars, courses) is continuing and expanding to combine theory and practice and generate more job opportunities for young students.

203. It is worth pointing out that the initiative funded in Kosovo for the drafting and implementation of the National Plan of Action on Disability (PLAN), which is a good practice in terms of actions aimed at making sure that international cooperation is inclusive and accessible to persons with disabilities, was identified as a case study in the Report "Best Practices for Including Persons with Disabilities in all aspects of development effort", drafted in collaboration with the Department of Economic and Social Affairs/the Secretariat for the Convention on the Rights of Persons with Disabilities.

204. The following initiatives in Serbia: "Decentralization of Social Services and the Development of Policies for Children and Young People and Support to the De-institutionalization of Children", implemented by the regions Emilia-Romagna, Friuli-Venezia Giulia and UNICEF, were launched to improve the prospects for social inclusion of disadvantaged children and adolescents.

205. Within the framework of an UNICEF project aimed at increasing the awareness of policy makers, they realized a manual for Serb MPs: "Exercising the rights of children with disabilities – the Handbook for Members of Parliament".

206. In El Salvador the initiative of inclusive education, which has allowed to test and develop a basic education reform programme at national level, was characterized by the pedagogical inclusive model. In Albania, the project "Early Diagnosis and Social Integration of Deaf Children" lead by the NGO MAGIS carries out newborn screening activities, prosthesization of infants and hearing-impaired children, and training of medical and paramedical staff.

207. As part of the actions taken to facilitate and support capacity-building through the exchange of experiences and best practices, among others, the initiative in Tunisia which aims to strengthen the Tunisian institutions and civil society in this sector deserves a special mention.

208. In Albania, Tirana, the initiative to protect the rights of the mentally ill, carriers of chronic forms of mental illness, taken by ACAP – Comunità di Sant'Egidio with the Ministry of Health and the WHO, and which aims to monitor the reform process in the field of mental health, to strengthen local residential services, to facilitate family reintegration and to create a network for home care, is going on. In Egypt, the initiative MEHNET (Mental Health Network) for the development of mental health services developed, under the regional cooperation programme in the Mediterranean basin, by two Italian regional health agencies (Lazio Sanità – ASP and Ares Puglia), the Egyptian Ministry of Health and the Regional Office of the WHO/EMRO is going on.

209. The cooperation in Latin America gave rise to the initiative "A World of Solutions: Innovations in ICT for Persons with Disabilities" (BID-Intern-American Development Bank, whilst in Ecuador the ongoing initiative "ICT for Inclusion: Using Technology to Include Children with Disabilities in School" involves the design of training courses for teachers through cutting-edge information and communication technologies.

210. The guidelines and scheduling for the period 2012–2014 confirm the inclusion of the issue of disability among the priority cross-cutting issues with a view to mainstreaming. From this perspective, the 2012 Guidelines for Children approved by the Italian

Cooperation acknowledge the rights of Children with Disabilities as an integral part of fundamental human rights.

211. The Millennium Development Goals represent for the Italian Cooperation a common framework for development policies and for the evaluation of the effectiveness of aid. Nevertheless, it is worth pointing out that disability is not explicitly included in the objectives, despite it represents an important element in the analysis of social exclusion and to achieve them. The analysis in the report outlines that most projects are "Goal 8-type" — Develop a global partnership for development — and stresses, once again, that poverty and disability are closely linked.

212. With regard to the funding of projects in this sector, despite the Guidelines on Disability provide for a specific share to be allocated to carry out these initiatives, we can't underestimate the decreasing trend of the financial resources available, a real constraint in this respect. In such a scenario, the commitments made with other donors, partner countries and international organizations in the field of aid and development effectiveness, according to the international agenda "Aid and Development Effectiveness", will continue. Cooperation guidelines and scheduling are therefore based on the principles of shared responsibility and transparent collaboration between several entities, paying attention to the impact of cooperation initiatives. In this sense, the marker of efficacy was introduced. This tool will help establish whether the initiatives effectively fulfil the guidelines and the principles of the Paris Declaration and the Accra Agenda on aid effectiveness (Recommendations made by OECD-DAC to Italy, 2009 Peer Review).

Article 33 – National implementation and monitoring

213. With law 18/09, the Italian Parliament approved the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, signed by Italy on March 3, 2007. At the same time, the law ratifying the Convention established the National Observatory on the Status of Persons with Disabilities, "in order to promote the full integration of people with disabilities, implementing the principles enshrined in the Convention [...] and the principles set out in law 104 of February 5, 1992" (art. 3, para. 1).

214. The Observatory is charged with important tasks (art. 3, para. 5): a) to promote the implementation of the Convention under Article 1 and to prepare a detailed report on the measures taken under article 35 of the Convention, in connection with the Inter-Ministerial Committee on Human Rights, b) to provide an every-two-year action programme for the promotion of the rights and integration of people with disabilities, pursuant to national and international legislation, c) to promote the collection of statistical data in order to illustrate the condition of people with disabilities, including with reference to different territorial situations, d) to prepare a report on the implementation of disability policies, according to Article 41, paragraph 8 of law 104/92, e) to promote studies and research that may help identify priority areas towards which actions and interventions for the promotion of the rights of persons with disabilities are directed.

215. Interministerial decree 167/2010 defined the Observatory as an advisory body providing scientific and technical support for the development of national policies on disability. In accordance with the provisions of article 33, paragraph 1, of the Convention, on the need for coordination between the different sectors of public administrations, central governments involved in the formulation and implementation of policies to the benefit of people with disabilities, regions, local authorities, social security institutions, ISTAT (the National Statistics Institute) will be represented in the Observatory. Trade unions representing workers, pensioners and employers, national associations representing the third sector associations operating in the field of disability, as well as three experts with proven experience in the field are also part of the Observatory.

216. The Observatory, which met for the first time in 2010, is chaired by the Minister of Labour and Social Affairs or the Deputy State Secretary, and is based at MLPS, which performs support functions. It is integrated by 40 members appointed by decree by the Minister of Labour and Social Affairs upon designation of authorities and other bodies, 14 of whom participate as representatives of the associations of disability. In order to contribute to increasing knowledge and experience on the condition of people with disabilities, the Observatory will be joined by up to ten permanent guests with no right to vote. The Observatory's Scientific and Technical Committee (STC) carries out internal analyses and addresses scientific issues relating to the activities and tasks of Observatory itself. The STC started its activities in early 2011, meeting in regular sessions during which it was first set up a methodological document focusing on the activities of the Observatory.

217. In 2011, in order to perform its tasks better, they started six working groups coordinated by the representatives of the associations, who were deeply engaged in analysing the following issues: the right to life and health; the disability recognition system (evaluation, personalized design and taking); autonomy, independent living and empowerment of people with disabilities; public, social, health and social-health policies to contrast disability; educational/training processes and school inclusion; including at work and social protection; accessibility (mobility information, services) from the perspective of universal design.

218. The intended approach of the activities covered by the Convention ratification law was, therefore, to fully involve the organizations representing persons with disabilities, in full compliance with article 4, paragraph 3, and article 33, paragraph 3, of the Convention, opening, *inter alia*, these groups to other experts and members of associations operating in the field of disability who can contribute.

219. The activities of the Observatory, which have been developed through and during the sessions of the STC, the plenary sessions and meetings of the working groups, revolves around three pivotal points: 1) the statistical information on the condition of persons with disabilities, 2) monitoring the implementation of policies, 3) the definition of the action plan for disability. These three sequential components also define a rational reference cycle of the work of the overall organization and help make transparent coordination, integration and monitoring of the implementation of the CRPD the Observatory is called upon to perform. The conceptual model and the internationally recognized description of disability and, more in general, of human functioning, which was adopted as a reference for the work of the Observatory, is of course ICF, International Classification of Functioning, Disability and Health.

220. All the activities performed by the Observatory, in addition to the institutional areas of the website of the Ministry of Labour and Social Affairs, are undergoing an allocation process — including all the relevant documentation at national and international level — in a dedicated website, which will serve as a tool for disseminating information, on the one hand, and as a working tool for the members of the Observatory, on the other.

221. If this report to the United Nations has relied on the work of the groups within the Observatory, the analytical work carried out by the groups is, at the same time, a common basis for the development of the aforementioned two-year action programme for the promotion of the rights and integration of the people with disabilities. This programme will consists of: 1) a summary of the main statistical data illustrating the priority issues of equality in the sector and documenting the impact of ongoing policies; 2) the relationship of some key stories in terms of discrimination and, on the contrary, good practices being identified; 3) guidance on the priorities for regulatory reform actions and legislative and governmental action accompanied by the achievable goals which can be monitored through a system of monitoring indicators. It should be noted, again with reference to article 33, paragraph 1 of the Convention, that in 2011 the National Contact Point in the Directorate

General for Inclusion and Social Affairs of the Minister of Labour and Social Policies was identified.

222. It should be noted that the Parliament is now focusing on a legislative bill — then unified by other parliamentary proposals — aimed at setting up a National Commission for the promotion and protection of human rights which, on its turn, aims at promoting and to protecting the fundamental human rights recognized by the Constitution and the international conventions Italy is party to. The proposal is based on the resolution of the General Assembly of the United Nations 48/134/1993, establishing the commitment of United Nations Member States to set up national bodies for the promotion and protection of human rights and fundamental freedoms.

223. Finally, it should be noted that the Ministry of Labour, in line with the opinions given by the STC, signed an agreement with ISTAT pursuant to the provisions of the ratification law and in order to fully implement article 31 of the Convention in the field of statistics and data collection, in order to ensure that the activities of the Observatory firmly revolve around and are focused on statistical information on the condition of persons with disabilities and the definition of appropriate indicators for monitoring the level of inclusion of persons with disabilities. The agreement, signed at the end of 2011, provides for the analysis of the conditions of life of persons with disabilities through a number of additional questions to be included in the ISTAT survey "Health and Use of Health Services" (years 2012–13), and the experimental analysis of the disability condition of children (0–17 years) through the inclusion of specific questions; the implementation of a feasibility study for the establishment of a national registry list of persons with disabilities, divided by gender, age, residence, type and severity of disability; the design of a system of indicators for monitoring the level of social inclusion of persons with disabilities; consolidating, updating and increasing the information contained in the thematic areas of the information system (health and social care, families, accidents, non-profit organizations, education and inclusion, employment, social protection, health, transport and social life) of the website www.disabilitaincifre.it; the design of new statistical tools for estimating mental and intellectual disabilities.